Class 'B'

File No. PWD 69 MMI 65

MYSORE GOVERNMENT SECRETARIAT

Notes / Correspondence / Collection

Department PW **Section** Major Irrigation

Subject :— Rehabilitation of displaced persons under the Major Irrigation Projects
Minutes of the S.W.G. Meeting

Earlier References :—

Later References :—

(Classification A / B / C)

Notes pages..... 29

Correspondence pages..... 73

For/Not for Section note Book

To be destroyed after.....

K.S. Subbaraya Setty
For Under Secretary to Government.
31/3/69

29/3/69.

11/IV/65
31/3/69

Rehabilitation of displaced persons under Major & Irrigation Projects in Belgaum /

re Government
Secretariat

File No. of 196 . [App. F. III 2

PPD 69 AMJ 65

Serial No.

1) Extract taken from the Minutes of the 20th Meeting of the State Working Group Meeting on irrigation development held on the 28th June 1965 at Bangalore.

Sl. No.	Subject	Minutes of the Meeting	Action by whom
15.	Rehabilitation of displaced persons under Major Irrigation Projects in Belgaum Division	Matter was discussed in detail. It was felt that it would be better if displaced persons under M.I. Projects were rehabilitated within the ayacut itself, if necessary by acquiring lands for this purpose. This may be recommended to Govt. as it involves a matter of general policy affecting future projects also.	Secy PWD

2) Submitted for perusal. The CE (OP) will be asked to forward his remarks on the recommendations made at the 20th Meeting of the State working Group. A draft is put up.

11/10/65

3) Issue

11/10/65

Issued
Dated 16/10/65 sly

Letter no. 435/P dated 21-10-65 from the CE (OP).

4) Submitted for perusal the report of the CE (OP) w.r. to the recommendations of the State working Group Meeting regarding rehabilitation

Note.—Contn. Sheet

2 Rehabilitation of displaced persons under the Major and Medium irrigation projects.

File No. PWD 69 HPI 65 of 196 .

Mysore Government Secretariat

of displaced persons under the Major and Medium irrigation projects. This may in the first instance be referred to the Revenue Department for remarks on the suggestions made by the CE(SP) in his letter.

Serial No.

RDG 5/2/Misc/65 10/11/65

27/10/65

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

RD)

Registration R.D.

Supdt D'Section)
W 28/11

11/33 30x65

Ref:- Letter dt cited. 5.

RR Revenue and Branch.

10/11/65 The subject matter is being 6.
dealt in 'G' Section. Hence
these papers may be marked
to "G" Section.

SR 30.10.65

RR(G) 11/33 4.xi.65.

Under Secy, Rev. Dept.
(Rehabilitation)

6 NOV 1965

Rehabilitation branch

Please see Chief Engineer's report Regr 7.
on page 3 of. This is an irrigation RD
matter and as such this has to be
dealt with in their Section

W 6/11/65
Acquisition Section)

6-11-65
WD.01 54 BYPB-1-2,00,000—1-10-61

Regr RD) Sri MKR 10/11/65

Sri B.C.C.
for
[illegible]

Rehabilitation of displaced persons under major irrigation project.

3

Note Continuation Sheet

Subject..... File No.....

P.W.D 69 MM 165

Reference and markings	Notes and Orders	Para Numbers
~~RQH/OPER/65~~ 512/Misc/65 553/Misc/65 40. MG RECEIPT	a) A note giving the opinion of the Revenue Deptt. in the matter is placed below. The same may be given to the State working group. Now with above particulars this may be returned to P.W.D Sd/- 31.12 a) The Note put up may be referred to P.W.D. with a request that a copy of the same may be sent to the State working Group for information. Sd/- 31/12 A. M. SHYAMALADEVI, Under Secy, Rev. Deptt. 31/12/65 P.W.D) RS D/3 4/1/66 4/1/66 10) ~~Submitted~~ for perusal the note furnished by the Revenue Department w.r. to paras 1 and 4 of the notes. ~~If approved~~ the file may be referred to the D.P.C. Deptt for placing the subject before the next meeting of the State working Group. 5/1/66 Sd/- v) Kindly re-examine as discussed. Sd/- 6/1/66	

Stitching Lace

Note Continuation Sheet

Subject Rehabilitation of displaced persons under Major Irrigation Projects

File No

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers

12) Submitted for perusal the note furnished by the Revenue Department w.r. to paras 1 to 4 of the notes. For orders as to the lines on which further action has to be taken on this.

13) The State Working Group at its 20th meeting held on 28th June,1965, considered the subject of rehabilitation of displaced persons under Major Irrigation projects in the Belgaum Division. The decision of the State Working Group was was follows:-

> "Matter was discussed in detail. It was felt that it would be better if displaced persons under Major irrigation projects were rehabilitated within the ayacut itself, if necessary, by acquiring lands for this purpose. This may be recommended to Govt. as it involves a matter of general policy affecting future projects.".

14) In this connection the C.E.(I.P.) was requested to furnish his remarks and recommendations to enable orders of Govt. being obtained. The C.E. has sent a report which is placed at page 3 C.F. In it the C.E. has stated that he strongly recommends for the displaced perons under Major and Medium irrigation projects being rehabilitated in the ayacut itself with a view to ensure that the people who have suffered on account of the construction of projects are entitled to the benefits which accrue from the constructions of such projects. He has

Stitching space

Serial No.

added that where such rehabilitation can be arranged through negotiations with the beneficiaries owning lands in the ayacut areas, there would generally be no difficulty and no legislation would be required. Compensation for such lands can be arranged by Govt. in lieu of lands ~~acked~~ lost by the displaced persons due to submergence under Reservoirs. However, where such negotiations or acquisition by mutual consent is not possible, legislation would be required. The C.E. has also stated that so far as the present L.A. Act is concerned there is no provision for acquisition of lands for the purposes of rehabilitation where the cultivation of land is involved. Acquisition of lands for the purposes of rehabilitation of displaced perons through cultivation would require amendment to the Constitution of India. He has suggested that the matters may be got examined by the L.D. and necessary action taken.

15) In this connection the R.D. who were ~~was~~ consulted have furnished a note which is placed below at page 6 C.F. In it, it has been indicated that the L.D. have advised that acquisition of land to resettle persons dispossessed of their lands in connection with the execution of projects ~~xxxx~~ is a public purpose and therefore the acquisition of lands can be not only for dwelling purposes, but also for purposes of resettling the displaced persons by assigning them lands for carrying on agriculture. In view of the above advice of the L.D., the Revenue Department has stated that the amendment suggested by the C.E. does not seem to be necessary .

16) In the circumstances explained above the point for...

Note.—Contn. Sheet

consideration and orders is, as to the lines on which further action should be taken in pursuance of recommendations of the State Working Group referred to above.

17) 16/1/66

M. CHANNAPPA
By. Secy. to Govt. P.W.D. (Irrgn.)

1/3 10/1/66. (Secy P. WD)

RECEIVED TO GOVERNMENT
No PWS 157
18 JAN 1966
PUBLIC WORKS & ELEC. DEPT

18) Kindly see para 13/n.f. onwards.

19) The question of rehabilitation of persons displaced as a result of the construction of major Irrigation projects came up for discussion in the State Level Working Group meeting held on 20th June 1965. The committee felt that the displaced persons be rehabilitated if necessary within the ayacut of the project itself by acquiring lands for the purpose. The Revenue department in consultation with the Law department have opined that under the Act, the acquisition of lands for this purpose is permissible. (it is seen that) But such a recourse should not create problems by dispossessing the cultivators of the land to be acquired rendering them landless. Therefore, it is necessary that certain limitation will have to be fixed for the acquisition of lands in the ayacut area for the purpose of rehabilitation of the displaced persons. What should be the minimum of land in an ayacut a cultivator should be allowed to possess (after acquired) is a matter on which there may be difference of opinion. It is suggested that this particular issue be placed once again before the State Level Working Group in its next meeting for consideration. In the meanwhile, a reference will be made to all the Divisional Commissioners for their remarks on

Note Continuation Sheet

Subject: Rehabilitating displaced persons under Major Irrigation projects. File No.....

Reference and markings	Notes and Orders	Para Numbers

this point.

Chandappa 28/1/66

CHANDAPPA PATEL,
Secy., P.W. & Elecy.

Chief Secretary)

20) ys/m 29/1

K. BALACHANDRAN,
Chief Secretary to Government.

Secy. PWD

CL 31/1

PWS. 157

CHIEF SECRETARY No. 505 28 JAN 1966 GOVERNMENT OF MYSORE

SECRETARY TO GOVERNMENT No..... Date 31 JAN 1966 PUBLIC WORKS & EL. D. DEPT.

D3(1)

PM 1/2/66

21) A draft is put up.

22) Issue PM 14/2/66.

Issued 19/2/66

23) Minister P.WD to-day instructed me to put up this file with a Cabinet note for discussion in the Cabinet as a policy matter for decision. The details called for from the Divisional Commissioners may be considered later.

PM 10/3/66.

24) A draft Council note is put up.

DS (I) 25) L

Secy. PWD) 26) PM 11/3 11/3/66

10/3/66. Min. P.WD)

M. CHANNAPPA.

Stitching space

SECRETARY TO GOVERNMENT No. PWS 157 5 Date 16 MAR 1966 PUBLIC WORKS & ELEC. DEPT.

8

Note Continuation Sheet

Subject..... Rehabilitation of displaced persons under Major Irrigation Projects

File No.....

WD 014899—GPB—8,00,000—11-8-6

Reference and markings	Notes and Orders	Para Numbers

27) It would be useful if the recommendation of in State level working Group are available before the subject is placed before the Cabinet for consideration.

CS

18/3

CHANDAPPA PATEL
Secy. P. W. & Elecy. Deptt.

Pws 15'15

Misprint

28) We may await the recommendations of the state level ~~committee~~ working group if they are expected shortly.

V. Patil
24/3

(VEERENDRA PATIL),
Minister for Public .. orks.

Sdy: Paul & Peaves

24/3

Stitching space

GOVT. FOR PUBLIC WORKS
604
18 MAR 1966
BANGALORE

SECRETARY TO GOVERNMENT
No.....
Date 25 Mar 66

Note Continuation Sheet

Subject: Rehabilitation of displaced persons under Kapir Irrigation Projects

File No. PHD 69 HH 165

Reference and markings	Notes and Orders	Para Number

29) D.H.P.C. Deptt may please see and indicate whether the subject was taken up for discussion by the State working Group and if so to forward a copy of the Proceedings of the Meeting for taking further action.

P. 26/3.

CW.

30) M. take action as discussed.

Sd/-
26/3/66.

31) The note put up at Pages 10 to 12 C may if approved be sent to the DHPC Department for placing this before the next meeting of the State working Group. for orders.

P. 29/3

Ds(I)
Jr. PHD

29/3

Sd/-
29/3/66.

The report received from the Addl. Commr. Gulbarga on the subject placed at Page 13 C may also be perused.

Sd/-
29/3/66

M. CHANNABASAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

30) Sd/-
31/3

31/3

P.T.O.

SECRETARIAT DEPARTMENT
No. PWD 5 I 258
Date 30-3-66
PUBLIC WORKS & ELEC. DEPT.

10

Note Continuation Sheet

Subject Relaxation of displaced persons under Kaira Irrigation Project

File No.....

WD 014899—GPB—8,00,000—11-8-65

References and markings	Notes and Orders	Para Numbers

35) A draft is put up.

31/3

36) Issued

31/3/66.

Issued
dated 16/4/66

Letter no. LND (2) PR 60. 9092/65-66 dated 30-3-66 from the Divisional Commissioner Bangalore Div.

37) Submitted for perusal. A note (x) on the subject has already been sent to the D.H.P.C. Deptt for placing the same before the next meeting of the State working Group and for communicating their recommendations for taking further action. ~~No action appears necessary on this.~~ However, the Divisional Commissioner of Belgaum and Kanara from whom the report is awaited will if approved be reminded. A draft is also put up.

(x) Pages 169 N Cf.

5/5/66

38) Done

5/5

Dated 13/5/66

Note Continuation Sheet

Subject Rehabilitation of displaced persons under the Major Irrigation Projects File No. PWD 69 MMI 65

Reference and markings	Notes and Orders	Para Number

Letter no. RB/FOR.SR.1123 dated 19.5.66 from the Divisional Commissioner Belgaum Dn.

39) Submitted. for perusal. Further report will be received.

24/5

24/5

L3 23/5/66

40) Joint Secretary, P.W.&E. intimated me over phone that the Minister, P.W.&Power desired to know the stage at which the policy matter relating to acquisition of lands in the ayacut area of Major projects ~~for~~ to rehabilitate people whose lands came under submersion in the water spread areas of the concerned projects.

41) Paras 13-20 of the case note may please be perused. In pursuance of paras 19 and 20 the Divisional Commissioners have been addressed in Govt. letter No. PWD 69 MMI 65 dated 8.2.66 requesting to furnish a self-explanatory note on this aspect along with their remarks urgently to take further action. So far reports from the Divisional Commissioner, Gulbarga, Divisional Commissioner, Bangalore Division, have been received and the Divisional Commissioner, Mysore and Belgaum have been reminded on 13-5-66 (vide page 29 of the case file).

12

Note Continuation Sheet

Subject Rehabilitation of displaced persons under the Major Irrigation Projects

File No PWD.69.PMM.1965

WD 014899—GPB—8,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers

42) On personal instructions of the Minister, P.W.& Power the file has been put up with a Council Note. Paras 23 and 24 of the case note, remarks of the Secretary in para 27 and the orders of the Minister in para 28 may please be perused. As per orders in para 28 of the case note a note has been sent to D.H.P.C. Department to be placed before the next meeting of the State Working Group and forward the recommendations for further action. So far the State Working Group has not met.

For perusal.

29/6/66.

(M. CHANNAPPA)
DY. SECRETARY TO GOVT.
P.W.D. (IRRIGATION)

JOINT SECRETARY TO GOVT. No. 2068 30 JUN 1966 PUBLIC WORKS DEPARTMENT

JT. SECY. PW&E)

Secy for Min for PW & P.

42) M. C. ANTIN.
Jt. Secy., P.W. & Elec. Dept.

SECRETARY TO GOVERNMENT 3855 1 JUL 1966 PUBLIC WORKS & ELEC. DEPT.

43) We suggest that the D.H.P.C. Dept is convene the meeting urgently.

Min for PW & Power

OFFICE OF THE MINISTER FOR PUBLIC No. 1729 9 JUL 1966 BANGALORE.

CHANDAPPA PATEL
Secy. P. W. &. Elecy. Dept.

Secy: PW & Power

44) V. Patil 7/7
(VEERENDRA PATIL),
Minister for Public Works.

A draft is put up 4/7 done

ISSUED 6/7/66

13

Subject: Rehabilitation of displaced persons under the Major Irrigation Projects

File No.

WD 01050—GPB—8,00,000 18-1

45) A reminder to the Divisional Commissioner is also sent up.

SECRETARY TO GOVERNMENT
No .....
Date - 8 JUL 1966
PUBLIC WORKS & ELEC. DEPT.

46) Issued
Dated 21/7/66

Letter no. RB/FOR.SR-1125 dated 25-7-66 from the Divisional Commissioner Baluran Dn on the subject

47) To perusal. Report from the Divisional Commissioner, Kozhe Division will also be awaited as he will be reminded again after some time

DO)

49) 30/7/66

50) A note on the subject was sent to the Secretary to Govt. SHPC Deptt with a request to place the subject before the State working Group Meeting and to forward a copy of their recommendations for taking further action. vide letter at Pages 16 and 17 CF. The subject does not appear

14

Subject: Rehabilitation of displaced persons under the Major Irrigation Project

File No. PWD 69 N N 95.

M. C. [redacted]

to have been taken up for consideration. In the meantime remarks of the Divisional Commissioners were also called for in this office letter dated 8.2.06. Reports from the Divisional Commissioners of Gulbarga, Bangalore and Belgaum Division placed at Pages 13, 18 & 19 and 26 to 38 of may be perused. Report from the Divisional Commissioner, Mysore Division is awaited.

(5) A Statement showing the remarks of the Divisional Commissioners is placed below. For orders as to the further action to be taken on this.

(6) It is ascertained that the data for the S.W.G. working is not yet finalised. This file will be sent to DHPE to intimate the status.

DS)

17/2

Mysore Government Secretariat

File No. PWD 69 MNJ of 1965.

[App. F. III 2

15

Serial No.

53. Minister for Public Works desired to know the stage at which the matters relating to rehabilitation of persons who are going to be displaced on account of submersion of their lands in the water spread areas of Major, Medium Irrigation Projects as at present stands. In this connection paras 40-48 of the case note may please be perused. A note (vide page 17) has been sent to the Development Department for placing the same before the State Working Group.

54. It is learnt that the State Working Group is going to ~~be~~ meet during October 1966 and this subject is going to be placed then before the Working Group.

For perusal.

15/9/66

(M.CHANNAPPA)
DY.SECRETARY TO GOVT.
P.W.D.(I)

JT.SECY.PW&E.
MIN.PW&POWER.

55) 16/9

M. C. ANTIN,
Jt. Secy., P.W. & Elec. Dept.

56) They may be asked to consider the subject in the next meeting of the working group and forward their recommendation. In case of delay I will have to take this matter to the cabinet without waiting for their recommendation.

V. Patil
22/9.

(VEERENDRA PATIL),
Minister for Public Works.

Sec: P.W. & Power

57) We may request

JOINT SECRETARY TO GOVT. No 4966 15 SEP 1966 PUBLIC WORKS

OFFICE OF THE MINISTER FOR PUBLIC WORKS NO. 1965 16 SEP 1966 BANGALORE

SECRETARY TO GOVERNMENT No. Date ?

Note.—Contn. Sheet

16 Rehabilitation of displaced persons under the Major Irrigation Projects.

File No. of 196 . Mysore Government Secretariat

Serial No.

DMP & C Dept. W consent for meeting of SWG urgently if possible for consideration of this subject.

CA 24/9

SECRETARY TO GOVERNMENT
NPWS 55/23
Dt 24 SEP 1966
PWS & EL.G. DEPT.

XXY 24/9

LM 24/9

68) A draft is put up. A reminder to the Divisional Commissioner, Mysore Div is also put up.

24/9

59) Done 24/9

Issued
Dated 27/9/66

Letter no. DAG. PR 281 C 13582/65-66 dated 14.10.66 from the Divisional Commissioner Mysore Div.

60) Submitted for perusal. Further report will be awaited.

19/10

61) Kindly peruse paras 56 & 57 ante. It is ascertained from the US (DMP&C) Sri. Puranik, that the SWG meeting is proposed to be held sometime in the last week of November. This is for

Mysore Government Secretariat

File No. PWD 69 MMJ of 1965

[illegible]

Serial No.

Kind information.

DS / Jt Secy / Addl. Secy

for M. C. MANTIN, Secy. to Govt. P.W.D. & Elecy. Depts. 4/10/66

M. CHANNAPPA, Gr. Secy., P.W.D. & Ex-officio Secy. to Govt. P.W.D. (Irrgn.)

JOINT SECRETARY TO GOVT. No. 5917 2 5 OCT 1966 PUBLIC WORKS DEPARTMENT

SECRETARY TO GOVERNMENT No. 3732 25 OCT 1966 PUBLIC WORKS & ELEC. DEPT.

67) The file may now be referred to the Special Irrigation Section for being submitted to the Secretary to Govt, PWD along with the above files

Spl. Irr. 4/11

4/XI

File obtained from the Secy's table as this is required for submission along with other files.

Sri IC

63) The main file on the subject among no para 25 cc Nos has been submitted to the Secretary-Minister for his kind perusal.

The State working group meeting is coming off on 28th Nov. 1966. This file may be submitted to the Secretary-Minister along with the file of this Section Regarding 25.11.1966 for his kind perusal.

7/11

7/XI

30 copies of the notes on the subject have to be sent to the BHPC Depts for placing the same before the Sub Group Meeting & draft put up is for approval.

7/11

31/XI

64) The subject has been discussed today in the State Working Group Meeting held in the chambers of the Chief Secretary. The points proposed for consideration in the note (at page 17 of the case note) have been considered by the Working Group.

65) The following decisions have been arrived at:

(i) As far as possible the displaced persons have to be rehabilitated within the ayacut area of the concerned Major and Medium Irrigation Projects by acquiring, if need be, lands for this purpose;

Contn. Sheet No. 404 IDS/66

GOVT. SECRETARIAT

18 Rehabilitation of displaced persons under the Major Irrigation Projects.

File No. PWD 69 MMG of 1965. | Mysore Government Secretariat

Serial No.

(ii) the lands in excess over the ceiling limit under the Land Reforms Act may be considered for acquisition for rehabilitation purposes

(iii) every family which is going to be rehabilitated is to be given an economic holding or a basic holding;

(iv) The maximum extent of acquisition from any individual may be up to half the excess over the family holding and the actual holding.

36) The proceedings of the State Working Group may perhaps be awaited before the case is further processed in the matter.

28/11/66

(M.Channappa)
Deputy Secretary to Govt.
P.W.D.(I)

SECRETARY TO GOVERNMENT
No. PWS 6128
Dt. 29 NOV 1966
PUBLIC WORKS & EL. D. DEPT.

SECY.PW&EL)

37) We may await the proceedings of the meeting.

29/11

38) D.H.P.C. may please make available a copy of the Proceedings of the Meeting of the State Working Group Meeting held during Nov'66 urgently

29/12

39) It is [illegible]. Please verify

23/XII

40) An extract taken from the Minutes of the 32nd Meeting of the State Working

M. C. S. | Subject: | File No. 79

WD 01060—GPB—6,00,000 18-12-65

Group held on 28.11.66 is placed below for w.r. to paras 18 to 20, 22 and 56 of the note. It is for consideration whether a draft Council note may be put up or whether the CF(D) may again be consulted

T1) A draft cabinet note may be put up

29/12

T2) The draft is put up.

29/12

T3) Since the decisions taken by the State working Group regarding rehabilitation of the displaced persons in the vicinity of the project itself and the proposal of acquiring lands for such purpose involves a major decision in policy, it is desirable that the same is placed before the Cabinet for a decision. A draft note is also placed at p. 49 of cf. It may be desirable that the RD. also see the note.

29/12

DS / JS / for PW / for RD

T5) M. C. ANTIA, Jr. Secy., P.W. & Elec. Deptt.

T6) 30/12/66 CHANNAPPA, Dy. Secy. to Govt. P.W.D. (Irrgn.)

T6) pl. bring up

US (T)

1/1/67

SECRETARY TO GOVT. No. 25.21 30 DEC 1966 IC WORKS DEPTT.

Secy. PWD. 31/12 Date 6561

PWS

20

Subject: Rehabilitation of displaced File No. PWD 69 MM 965. M. G. S. before under the Major Irrigation Project

77) Ans desires The Cabinet note is

Redrafted & put up.

Sec. PW
Sec. RD

dy
11/1.

~~Photograph~~

78) The recommendation Secy. PWD. 12/1
PWS No 114 Date
of the S.L.W. group may
be recorded in the
Draft CR. in DW.
JS. also speak.

CM
US (T) (30).

79) Again draft put up. in case.

Sec PW)

dy
19/1

80) J.S. may see before PWS. No 160 Secy. PWD. 18/1 Date
The file may be sub-
mitted to MR in person

CM
1st (.

Mr. G. S. | Subject: Rehabilitation of displaced persons under the Major Irrigation Projects | File No. 22

WD 01060—GPB—4,50,000—18-12-65

81) Discussions in the Cabinet will be initiated and put up for orders. It is observed that in the recommendations of the Study Working Group in the first para the "owner holding" is referred to and in the second para the "family holding" is referred to. Since these two are not equivalent at times in the last para of its recommendations the Study working Committee has referred to only the "family holding". The norms have been proposed in the Cabinet note. Sec. Revenue may kindly see this.

Sec. PW / for RD

25/1

Secy. PWD. 27/1. WS No 291 Date

82) R. S. in my file before submission to Min. in pol agn.

25/1

CHANDAPPA PATEL
Secy. P. W. &. Elecy. Dept.

MYSORE GOVT. SECRETARIAT No. 30 JAN ... ISSUED

83) I have made slight alterations in one para

B. S. Srikantiah 30/1/67

Secy., R.D. No. 694 Date 30/1

B. S. SRIKANTIAH
Secy., Rev. Dept.

PWD

Secy (PWD)

84) The D C N which

was referred to us

Subject: Rehabilitation of displaced persons under the Major Irrigation Projects

File No. PWD 69 MMJ 65.

in any case approved

CC.

3.11.

CHANDAPPA PATEL
Secy. P. W. & Elecy. Deptt.

PWS 291/62 MI

MLW 162
31 JAN 1962
BANGALORE

85) 1. file 12/2.

(VEERENDRA PATIL);
Minister for Public Works.

Secy. Rev. Dept.

86) The Cabinet note at Pages 59 to 60 Cf is submitted for approval and transmission to GOI for moving Planning Commission. The Cabinet

DS
GOI

SECRETARY TO GOVERNMENT
No.
14 FEB 1962
PWD & EL'D. DEPT.

Cabinet Section
No. C. 40/67
D. 17. 2. 1967.

87. The subject is proposed for consideration at a Cabinet Meeting.

The Minister for P.W. has pointed to file at Para 85 ante.

Orders of C.M. would be necessary to include the case in the Agenda, for consideration by the Cabinet.

Secy. PWD. 27/2
PWS. No 683 Dated

17.2.62

88

Chief Min.
No. 6926 Date 20/2/67

C/S. Balachandran 21/2

C.M.

K. BALACHANDRAN,
Chief Secretary to Government.

89) Agreed 21/2

S. NIJALINGAPPA
Chief Minister

C/S. C. Draft

SECRET 1967 PWD 69 MMI 65

CABINET NOTE

Subject: C.40/67
Rehabilitation of Displaced persons under Major Irrigation Projects.

91) The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons at the new village sites for cultivation purposes. Experience has shown that the villagers affected by the Project generally desire to settle at one place and large blocks of land are necessary for such large scale rehabilitation. Since Government lands are not available at one place and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by releasing sufficiently large areas of Forest and reclaiming such forest areas by de-forestation. Such acquisition of Forest land for the purpose of rehabilitation will mean gradual reduction in the Forest area in the State. Moreover it may not be possible to provide Government lands for rehabilitation purposes in all the cases.

2. At the 20th Meeting of the State Level Working Group for Development of Irrigation under Major Irrigation Projects held on 28-6-1965, the question of rehabilitation of displaced persons under Major Irrigation Projects was considered in detail. It was decided in that Meeting that it would be better if the displaced persons under the Major Irrigation Projects were rehabilitated within the Ayacut of the Project itself, if necessary by acquiring private lands for this purpose. The Chief Engineer who was consulted in the matter opined that if the persons displaced under Major and Medium Irrigation Projects are rehabilitated in the Ayacut of that Project itself when the people who have suffered on account of the construction of the Project would also have obtained the benefits which accrue from the construction of such Projects.

3. The Revenue Department have in consultation with the Law Department intimated that acquisition of agricultural land from private land holders in the Ayacut area of the Project for purposes of rehabilitation in agriculture, of persons displaced by the Project will be for a public purpose and hence admissible under law.

4. The subject was again placed before the State Working Group at its 22nd Meeting held on 29-11-1966 and it has recommended as follows:-

> "The displaced persons generally should be rehabilitated in the atchkat of the concerned Project areas by acquiring 50 per cent of the excess (cultivated land) above the basic holding. This will enable the rehabilitated persons to settle themselves immediately. In the absence of such land the Government should release cultivable land

in the nearest Gomal. The abo... ...s will avoid establishing a new village. Hitherto action was being taken to release Forest land by de-forestation to rehabilitate persons and this course would not only take a long time to put the displaced persons on economic footing, but Forest wealth would also be reduced.

It was decided to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half of the excess land over the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the Project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation; and the compensation to be paid for the land of the displaced persons can be adjusted towards payment of the acquisition of land in Atchkat area".

5. The above recommendation of the State Working Group is a deviation from the existing procedure of rehabilitating the affected persons under a Project. At present persons displaced due to the construction of Irrigation Project are generally rehabilitated by releasing forest lands and de-foresting them and establishing new village sites at those places. As per the present recommendation of the State working Group, the displaced persons under the Irrigation Project will have to be rehabilitated in the command area of the Project itself by acquiring half of the surplus cultivable lands above the basic holding from all the land owners in the command area. Since the present decision of the State Working Group involves a decision of policy, this subject is placed before the Council of Ministers for consideration.

The issues for decision are as follows:-

1. The displaced persons under the Major and Medium Irrigation Projects should generally be rehabilitated in the command of the proposed Project itself.

2. The land required for this purpose, in case Government land is not available, may be obtained by acquiring from private land-owners half of the excess land over the family holding as defined in the Mysore Land Reforms Act, 1961.

3. Such land acquisition should take place simultaneously with the commencement of the work in the Project.

Chandappa

(Chandappa Patel) 25/2/67
Secretary to Government,
Public Works & Electricity Dept.

rln.

25/2/67

rln.

Extract from the Proceedings of the Third ***Meeting of the Council of Ministers held at Bangalore on*** 26th February ***19*** 67

Subject:- C.40/67.

Rehabilitation of Displaced persons under Major Irrigation Projects.

DECISION OF CABINET.

92) A p p r o v e d.

Sd/- S.Nijalingappa,
26-2-67
Chief Minister.

NB: A copy of order issued on the Cabinet decision may kindly be sent to Cabinet Section.

Secretary, PWD. 93) 27/2

Secy. PWD. 27/2 PWS No 683. Date

93. 94) 27/2
93(1)

Jt. Secy: PWD. No 1321 Date 27/2

95) 28/2

"EXTRACT"

Deputy Chief Secretary to Government. 27/2/67 GAD., Services & Cabinet.

27.2.67

P.T.O.

27. PWD 69 MM 965.

Rehabilitation of displaced persons under Kaja Irrigation Project

at pages 6676 of C/F

96) A draft G.O. is put up. In tom.

DS
JS
for PW
Tom PW

99) 2/3

97) 1/3

98) 2/3/67
M. CHANNAPPA.
Spl. O.S.D. (Irrgn.)

Jt. Secy. PWD. No 1447 Date 2/3

A typed draft G.O. is put up 2/3

100) The order relating to issue of the Land is of the cabinet decision. The proposed draft be returned to Spl. O. with the draft as we the draft A & (1) should issue G.O. at this level.

PWS 683/67
PWS 764/67

The draft be returned signed by me in duplicate.

CC
2/3

D 2/3

101)

102) May issue

103) 2/3/67

Issued 10/3/67

9/3

Note Continuation Sheet

Subject.....Rehabilitation of displaced persons under the major irrigation Projects

File No. PWD [illegible]

WD 914899—GPB—[illegible]

Reference and workings	Notes and Orders	Typ [illegible]

C. 40/61

104) May be recorded 'B'.

13/B

105)

106) It was intimated by JS. That Hon PW. desires to know the action taken with regards to the Rehabilitation of displaced persons under projects in the vicinity of the project itself. Orders of Govt. have already been issued in this regards. Kindly see Go. @ p. 69 of. This order will be immediately applicable to the Cauveryapura, Tellapuram and other projects under execution. A Copy of the Govt. is already sent to the Dirt. Commissioners. The Dirt. Commissioners have to initiate necessary proposals in this regard now. The RD. will be asked to intimate the action on the Go.

Secy. PWD. 16/4
PWS No 1430 Date
MZ

Jt. Secy. PWD.
No 2422 Date 19/4

OFFICE OF THE MINISTER FOR PUBLIC WORKS
NO. 551
13 APR 1967
BANGALORE

DS
JS

107) 13/4/67

M. C. ANTIN.
P.W. & Elec. Depts.

M. CHENNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrgn.)

108) 13/4

Addl PWD

Jt. Secy. (Leg) & Public Relations Officer for Public Works

19/4

29

Note Continuation Sheet

Subject: Rehabilitation of displaced persons under Hajo Irrigation Project

File No.:

Reference and markings	Notes and Orders	Para Number

111) A.D.O. note is put up.

21/10/64

112) Issued

Encls.....

Date.....

113) Amalesa D.O. reminder is put up.

21/11

114) This issue is being separately dealt with in the concerned project files. This file may be closed.

21/11

115) May be recorded 'B'.

21/11

"B"

2/12/65

Dictated to PWO 51 11367

21.11.64

Spinning space

Appendix F. G.– 1]

SUBJECT Rehabilitation of displaced persons under the Major Irrigation project – Recommendations of the State Steering Group Meeting

Diary No. of letter replied to.....

Mysore Government Secretariat.

( )

the 196

Date of Issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section 69

File No.

Serial No.

No. The CE (DP)

To

Sir,

I am directed to forward herewith an extract taken from the Minutes of the 20th Meeting of the State Steering Group Meeting held on 28.6.65 regarding rehabilitation of displaced persons under the Major Irrigation Projects and to request you kindly to offer your remarks on the recommendation made therein for consideration and taking further action.

Yours faithfully,

Under Secretary to Govt.

(x) Extract to be typed

WD 012116—GPB—4,00,000—7-8-63

Dy Secy

GOVERNMENT OF MYSORE

No. PWD 69 MMI 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 14th OCT 1965
16

The *Secretary to the Government of Mysore,*
Public Works & Electricity Department,
To Bangalore.

The Chief Engineer,
Irrigation Projects,
Bangalore.

Sir,

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects--Recommendations of the State Working Group Meeting.

-:-

I am directed to forward herewith an extract taken from the Minutes of the 20th Meeting of the State Working Group Meeting held on 28-6-65 regarding rehabilitation of displaced persons under the Major Irrigation Projects and to request you kindly to offer your remarks on the recommendation made therein for consideration and taking further action .

Yours faithfully,

(M. Channappa).
Deputy Secretary to the Government,
Public Works Department, (Irrigation)

Issued
Dated 16/10/65

-- -- --

Extract taken from the Minutes of the 20th Meeting of the State Working Group Meeting on Irrigation Development held on the 28th June 1965 at Bangalore.

Sl. No.	Subject	Minutes of the Meeting.	Action by Whom?
15.	Rehabilitation of displaced persons under Major Irrigation Projects in Belgaum Division	Matter was discussed in in details . It was felt that it would be better if displaced persons under M.I. Projects were rehabilitated within the ayacut itself if necessary by acquiring lands for this purpose. This may be recommended to Govt as it involved a matter of general policy affecting future projects also.	Secretary P.W.D.

"COPY"

Grv 14.10.65/2

GOVERNMENT OF MYSORE

Office of the Chief Engineer, PWD,
Irrigation Projects in Mysore,
'Park House', Bangalore-1.
Dated 21-10-65

No. 435/P

To

The Secretary to Government,
Public Works & Electricity Department,
'Vidhana Soudha', BANGALORE.

5269
22 OCT 1965
P. W. D. (RECEIPT & ISSUE)

Sir,

Sub:- Rehabilitation of displaced persons under the Major Irrigation Projects - recommendations for the State Working Group Meeting.

Ref:- Government letter No.PWD 69 MMI 65 dated 14/16th Oct. 1965.

I strongly recommend that the displaced persons under Major and Medium Projects be rehabilitated within the ayacut itself with a view to ensure that the people who are sufferred on account of the construction of a project are entitled for the benefits with accrue from the construction of such projects. Where

Such rehabilitation can be arranged through negotiations with the beneficiaries owning lands in the ayacut area, there would generally be no difficulty and no legislation would be required. Compensation for such lands can be arranged by Government in lieue of lands lost by the displaced persons under submergence of the Reservoirs. However where such negotiations or acquisition by mutual consent is not possible, legislation would be required.

As far as the present Land Acquisition Act is concerned there is no provision for acquisition of land for the purpose of rehabilitation where the cultivation of land is involved. Acquisition of land for the purpose of rehabilitation of displaced persons through cultivation would require amendment to the Constitution of India. This matter may be got examined by Law Department and necessary action taken.

Yours faithfully,

(I.M. MAGHUM)
Chief Engineer, PW
Irrigation Project

--:0:--

C. F. No. 45]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

The Divisional Commissioner,
Belgaum Division, Belgaum.

No.RB/TOR.SE.1125
Encls.

Date 10-12-1965

To

The Deputy Commissioner,
Belgaum.

Sir,

Sub:-Providing lands for rehabilitation of persons displaced by Projects.

Ref:-Your letter No.RB/REH. dated 18-10-1965.

MYSORE GOVT. SECRETARIAT
No.
REVENUE DEPT. (RECEIPT & ISSUE SECTION)

It is not considered necessary to amend the Land Acquisition Act, as suggested by you.

Please examine whether persons having large holdings, say more than 50 acres of land, are willing to part with their lands voluntarily. If so, the extent of land each is prepared to sell and the price they expect for the same may be ascertained and reported, along with the following details, early.

RDG/553/Misc/65-22

1) Current Market price for similar lands in the village.

2) Whether the land is suitable for rehabilitation purposes and if so, no. of families that can be rehabilitated there.

3) Remarks.

Sd/-

for Divisional Commissioner, Belgaum.

gsg/10/12

Copy, along with a copy of the Deputy Commissioner, Belgaum's letter under reference and of its accompaniment, forwarded with compliments to the Secretary to Government, Revenue Department, Bangalore.

2. Under the provisions of the Land Acquisition Act, lands can be acquired for public purposes. In this case, the agricultural families to be displaced by the Hidkal Dam Project are required to be rehabilitated and they need lands for agricultural purposes. It may therefore kindly be intimated whether acquisition of lands for such purposes is feasible within the scope of the term "public purpose" as defined in the Land Acquisition Act.

O.C. signed by the Divl. Commr.

for Divisional Commissioner, Belgaum.

This is for Darkhast Section

4115/12 Rev.

15.12.65

Under Secretary, Rev. Dept.

Copy of letter No.RB/RHN dated 19-10-1965 from the Deputy Commissioner, Belgaum addressed to the Divisional Commissioner, Belgaum.

Sub:-Last Para of Item No.4 of the Proceedings of the Rehabilitation Sub Committee held on 22-6-1965. Action taken ..

The question of rehabilitating the persons affected by the construction of Hidkal Dam in the Command area was discussed at length in the meeting of the Rehabilitation sub.committee for HDP held on 22-6-1965 at Hidkal Camp. The said committee decided to rehabilitate the displaced persons in the Command area by acquiring lands of the persons having large holdings i.e.more than 50 acres and that such an acquisition would not come under the purview of the land acquisition Act and that the Government may therefore be moved to amend the Act suitably in this regard. A copy of the letter No.RHN dated 21-7-1965 received from the Special Land Acquisition Officer, H.D.P. Hidkal Camp, is enclosed herewith for kind perusal. In the circumstances Government may kindly be moved to amend the L.A.Act suitably.

Copy of the letter No.RHN dated 21-7-1965 from the Special Land Acquisition Officer, H.D.P.Hidkal Camp, addressed to the Deputy Commissioner, Belgaum.

...

Sub:-Last para of Item No.4 of the proceedings of the Rehabilitation Sub Committee held on 22-6-1965. Release of lands for rehabilitation of persons affected under Hidkal Dam Project.

Ref:-Your endorsement No.RB/LND. dated 2-7-1965 forwarding a copy of the proceedings

The question of securing land for the rehabilitation of the population affected by the Hidkal Dam project came up for discussion in the Rehabilitation Sub Committee on 22-6-1965. At the suggestion of Shri.S.S.Patil that lands in the area to be irrigated by the Project should be granted to the displaced persons by acquisition, the question was discussed at length and the committee, after taking a note of the decision of that a large number of persons could be rehabilitated in the command area by acquiring lands of persons who have large holdings, decided that the displaced persons may be rehabilitated in the command area by acquiring excess lands from the holders who have got more than 50 acres. The committee also decided that Government may be moved to suitably amend the Land Acquisition Act as such an acquisition would not come under the purview of the Land Acquisition Act.

/Ghataprabha Advisory Board held on 13-8-64

Land can be acquired under the L.A.Act only for a public purpose as defined in the Act. In order to attract the application of the provisions of the L.A. Act the most essential requirement is that the property is needed for the public good. In case the decision of the Committee is accepted by Government and implemented, a definite number of persons will have to be rehabilitated in each village in the command area taking into consideration the area available in that particular village for rehabilitation purpose. This number of persons may very from village to village as it will depend upon the area available. The Acquistion of the lands in question cannot be done under the provisions of the L.A.Act, as it will be for a definite particular number of persons (to be rehabilitated there) and as such it will not be for public good as contemplated by the Act. In order to cover the acquisition of lands for rehabilitation purposes in the command area as decided by the Committee, the definition and scope of public purpose will have to be enlarged by amending the L.A.Act suitably so as to cover such acquisition also.

I would, therefore, request that Government may kindly be moved to take up the matter at an early date as the problem of rehabilitation is imminent.

10/12/65

GOVERNMENT OF MYSORE

O. RDG/512/Misc./65. Mysore Govt. Secretariat,
Vidhana Soudha, Bangalore
Dated: 31st December 1965

N O T E

ub:- Rehabilitation of displaced persons under the Major Irrigation Projects - recommendations for the State working Group -

---

The Chief Engineer, P.W.D., Irrigation Projects in his letter No.435/P, dated 21-10-65, recommended that persons displaced as a result of execution of major and medium projects be rehabilitated within the ayacut itself so that the sufferers may also be enabled the benefits that accrue from the construction of such Projects. In order to achieve this object and as the present provisions of the L.A. Act did not cover acquisition of land for the purpose of rehabilitation by assigning lands for agriculture where the cultivation of land is involved, the Chief Engineer had suggested that the constitution of India may be suitably amended.

The Law Department was requested to advice whether such rehabilitation serves a public purpose or not and whether there could be any objection to acquire lands in order to rehabilitate them, as rehabilitation of displaced persons under an Irrigation Reservoir is now recognised as a part of the Project itself The Law Department has opined that acquisition of land to resettle persons who had been dispossessed of their lands in connection with the execution of a Project is a public purpose and therefore the acquisition of land can be not only for dwelling purposes, but also for purposes of resettling the displaced persons by assigning them lands for carrying on agriculture. In view of the opinion tendered by the Law Department, the amendment suggested by the Chief Engineer seems not necessary.

A.M. Shyamprasad

(A. M. Shyamprasad)
Under Secretary to Govt. Revenue Department.

PWD 69 MM 965

7

Rehabilitation of displaced persons under the Major Irrigation Projects —

To,

The Divisional Commissioner,

1) Bangalore Division,
2) Kolar Division,
3) Belgaum Division,
4) Gulbarga Division —

Sir,

I am directed to state that the question of rehabilitation of persons displaced as a result of the construction of Major Irrigation Projects was discussed in the State Working Group Meeting held on 20.6.65. The Committee feel that the displaced persons be rehabilitated if necessary within the vicinity of the project itself by acquiring lands for the purpose. According to the provisions of the Land Acquisition Act, acquisition of land for the purpose is permissible. But it is felt that such a recourse should not create problems by dispossessing the cultivators of the land to be acquired

rendering them landless. Therefore it is necessary that certain limitations will have to be fixed for the acquisition of lands in the agency area for the purpose of rehabilitation of the displaced persons. What should be the minimum extent of land in an agricultural area of a project, a cultivator should be allowed to possess and the rest acquired, is a matter on which a decision will have to be taken.

I am to request you kindly furnish a self explanatory note on this aspect along with your remarks on the above urgently to enable orders of Government being obtained.

Clifford
4/2/66

Dy Secy to Govt
Agri
2/2/66

Secy
2/2/66.

GOVERNMENT OF MYSORE

9

No. PWD 69 MMI 65

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, ..8..-9-..1965 .

Secretary to the Government of Mysore,
PUBLIC WORKS & ELEC. DEPARTMENT.

To

The Divisional Commissioner,
Bangalore/Mysore/Belgaum/Gulbarga Divisions.

Sir,

Subject: REHABILITATION OF DISPLACED PERSONS UNDER THE MAJOR IRRIGATION PROJECTS.

-.-.-

I am directed to state that the question of rehabilitation of persons displaced as a result of the construction of Major Irrigation Projects was discussed in the State working Group Meeting held on 20.6.1965. The Committee felt that the displaced persons be rehabilitated if necessary with in the ayacut of the project itself by acquiring lands for the purpose. According to the provisions of the Land Acquisition Act, acquisition of land for the purpose is permissible. But it is felt that such a recourse should not create problems by dispossessing the cultivators of the land to be acquired rendering them landless. Therefore it is necessary that certain limitations will have to be fixed for the acquisition of lands in the ayacut area for the purpose of rehabilitation of the displaced persons what should be the minimum extent of land in an ayacut area of a project, a cultivator should be allowed to possess and the rest acquired, is a matter on which a decision will have to be taken.

I am therefore to request you kindly to furnish a self explanatory note on this aspect along with your remarks urgently to enable orders of Government being obtained.

Yours faithfully,

M Channappa

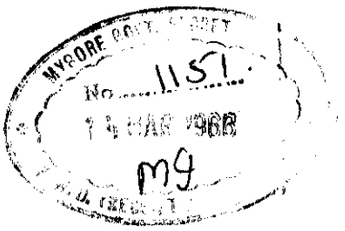
(M.CHANNAPPA),
DEPUTY SECRETARY TO GOVERNMENT
P.W.DEPARTMENT (IRRIGATION).

SM 12/66 Dte

ckps:5/5266.

13

GOVERNMENT OF MYSORE



OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

No. TBP/ Msc/260/64-65.

Dated.....9-3-1966.

To

The Secretary to Government,
Public Works Department,
BANGALORE:

SUB:- Rehabilitation of displaced persons under the Major Irrigation Projects.

REF:- Your letter No.PWD 69 MMI 65, dated 8-2-1966.

Sir,

In the former Hyderabad State, lands were classified on the basis of the yield capacity and the family holding was fixed in such a way that the gross income would be Rs.1,600/- per annum, and the net income thereon Rs.800/- per annum. Fragmentation of a holding below one basic holding was prohibited. The basic holding was determined at one third of the family holding.

According to the Mysore Land Reform Act 1961, a basic holding is defined as 2 acres of 1st class land or the extent equivalent thereto. Although the Mysore Act does not prohibit the fragmentation of holding below a basic holding,. Sub-section (7) of Section 16, limits the rights of landlords to resume lands from Protected Tenants only after leaving one basic holding with the tenants. This indicates that the holdings of less than one basic holding would be uneconomic and incapable of efficient cultivation. Hence it would be desirable to limit the acquisition of lands for resettlement of displaced persons under Major Irrigation Projects, only after ensuring that the remainder left with the land holder is not less than a basic holding.

If this principle is applied to land acquisition cases, it would ensure that uneconomic holdings are discouraged and the land holder is not displaced and rendered landless. Hence I recommend that in all cases of land acquisitions under Major irrigation projects, it may be ensured, as far as possible, that the remainder of lands left with the land holders should not be less than one basic holding.

Yours faithfully,

"O.C.signed by
Divl:Commissioner"

for Divisional Commissioner,
Gulbarga.

The connected file has been submitted with a draft Council ..... note for approval. This will be taken up after receipt of the file.

Appendix F. G.—1]

14

SUBJECT Rehabilitation of displaced persons under major irrigation projects

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *196* .

Date of Issue.....

Signed by .....

Section

File No.

Serial No.

No.

To The Secretary to Govt
Development, Health,
Panchayats Raj & Co-operation
Dept.
Vikhana Soudha
Bangalore

Sir,

Ref:- Item no. 15 in the Minutes of the 20th Meeting of the State working Group ~~Meeting~~ held on 28.6.65

I am directed to forward herewith a note on the above mentioned Subject and to request you kindly to place the Subject before the next meeting of the State working

date as on Pages 10 to 12 of

List of enclosures.....

Copied by.....

Examined by.....

WD 012116—GPB—4,00,000—7-3-63

15.

Group and formed a
Copy of their recommendations
for obtaining orders of Govt.

Copy

under Secy to Govt.
PD
FB
DS
31/3/66.

16

GOVERNMENT OF MYSORE

No. PWD 69 MMI 65

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, ...16-4-1966.

The *Secretary to the Government of Mysore,*
Public Works Department.

To

The Secretary to Govt.,
Development, Health, Panchayat Raj and Co-operation Deptt.
Vidhana Soudha, Bangalore.

Sir,

Subject: Rehabilitation of displaced persons under Major irrigation projects.

Ref: Item No.15 in the Minutes of the 20th meeting of the State working Group held on 28.6.65.

-:0:-

I am directed to forward herewith a note on the above mentioned subject and to request you kindly to place the subject before the next meeting of the State working Group and forward a copy of the recommendations for obtaining orders of Govt.

Yours faithfully,

(S.K.MOHAND)
UNDER SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT (TECHNICAL)

Received 14/4/66

Chand; 5/2

Note

Subject: Rehabilitation of displaced persons under the Major Irrigation Projects.

-:o:-

At the 20th Meeting of the State Working Group held on 28.6.65 the question of rehabilitation of displaced persons under the major irrigation projects in Belgaum Division was considered in detail. It was decided in that meeting that it would be better if displaced persons under Major Irrigation Projects were rehabilitated within the ayacut itself if necessary by acquiring lands for this purpose. The Chief Engineer, Irrigation Projects, who was consulted in the matter has stated that it would be useful if the displaced persons under major and medium irrigation projects are rehabilited in the ayacut itself with a view to ensuring that the people who have suffered on account of the construction of projects are entitled to the benefits which accrue from the construction of such projects.

The Revenue Department in consultation with the Law Department have intimated that acquisition of lands to resettle persons dispossessed of their lands in connection with the execution of projects is a public purpose and therefore the acquisition of lands can be not only for dwelling purposes but also for purposes of resettling the displaced persons by assigning them lands for carrying on agriculture.

The points for consideration are.-

i) Whether the displaced persons should be rehabilitated within the ayacut area of the concerned major and medium irrigation projects themselves by acquiring lands for the purpose;

ii) If so the extent of land that has to be ~~the~~ acquired from the cultivators. That is whether the lands have to be acquired irrespective of the extent of land held by each cultivator or whether a limit has to be fixed for the acquisition of lands in the ayacut area for the purpose of rehabilitation of the displaced persons. The maximum extent of land a cultivator should be allowed to possess and the rest acquired.

iii) The question of providing funds towards the cost of acquisition of lands. Whether the acquired lands could be given to the rehabilitated persons on ek-sali basis till the entire process of acquisition of land and payment of compensationis completed and the proceeds credited to Government so that the cost of acquisition can thereby be reduced.

As this is a policy matter, it is placed before the State working group for consideration.

(S.K.MOHAN)
(M.CHANNAPPA)
~~DEPUTY~~ SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT (IRRN)

Chand: 5466/2

18

Office of the Divisional Commissioner,
LND(S) Fr.6 C. 9092/65-66. Bangalore Division,
Bangalore, dated 30th April 1966.

The Secretary to Government,
P.W.D. and Electrical Department,
Vidhana Soudha,
Bangalore-1.

Sir,

Subject:- Rehabilitation of displaced persons under Major Irrigation projects.

Reference:- Your letter No. PWD.69.MMI-65 dated 8-2-66.

The following remarks are furnished as desired by you in the letter cited above.

The object of Government is that by acquiring lands for rehabilitating the cultivator should not be dispossessed and rendered landless. A cultivator may be a land-lord, himself taking up self-cultivation by hired labour or other means as per definition of the term personal cultivation, or he may be a tenant under the land lord. According to the Land Reforms Act, 1961 and the Tenancy Act in force, the position of a tenant has been safe guarded. The maximum extent of irrigated land which a person can cultivate by himself may be taken as 6 to 8 Acres which is equal to a family holding as defined in Section 2(13) of the Mysore Land Reforms Act 1961. According to Section 2(7) the ceiling area has been fixed as an area equal to eighteen standard Acres. In schedule 1 Page 96 and 97 of the Mysore Land Reforms Act 1961 and the Mysore Land Reforms Rules 1965, classification of lands and the formula to be adopted for determining the equivalent extent of land of different categories as equivalent to a standard acre (Section 2(32) have been furnished, and Section 63 deals with the ceiling of land holdings. According to this Section no person can hold lands in excess of the ceiling area of 18 standard Acres whose family consists of 5 members and that where the number of members of the family of such person or of the joint family of which such a person is a member, exceeds five, he or the joint family, as the case may be, may hold six additional standard acres for each member in excess of five, so however as not to exceed twice the ceiling area in the aggregate.

Therefore, before taking up acquisition proceedings of any area for rehabilitation purposes a detailed enquiry has to be conducted regarding the person cultivating the land, No. of members in his family, whether such cultivator is a land-lord

P.t.o.,

or a tenant under the land-lord, and whether such land-lord or tenant is holding lands and cultivating them elsewhere etc. In case all the persons cultivating lands in the ayacut area come under the purview of Section 63 of the Mysore Land Reforms Act 1961 acquisition of lands cannot be initiated at all to fulfil the intention of Government. Some other Government land which is reserved for assignment to expropriated and displaced persons has to be selected for rehabilitation purposes.

In the above circumstances, a suitable decision may be taken in the matter and communicated.

Yours faithfully,

for Divisional Commissioner,
Bangalore Division.

RCR

20

GOVERNMENT OF MYSORE

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, dated 1964

No. PWD 69 MMJ 65

From

The Secretary to the Govt., of Mysore, PWD, Bangalore.

To

~~The Chief Engineer, IP,~~
~~Bangalore.~~
The Divisional Commissioner,
① Mysore Division, Mysore ② Belgaum Dn, Belgaum

Sir,

Sub:- As at page 9 Cf.

I am directed to invite a reference to the Government Letter/ ~~Memo~~ of even number dated 8.3.60, ~~and subsequent reminders of even number dated..... and your letter No.~~ ~~dated.....~~ on the above subject and to request you kindly to expedite your reply. ~~as the matter is urgent/long pending.~~

Yours faithfully,

Secretary to Government,
Public Works Department(T).

21

GOVERNMENT OF MYSORE

No. PWD 69 MMI 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore,..13..May,...196 6.

FROM

The Secretary to the Government of Mysore,
Public Works Department.

To

The Divisional Commissioner,
Mysore Division, Mysore and Belgaum Division,
Belgaum.

Sir,

Sub:-Rehabilitation of Displaced persons under the Major Irrigation Projects.

***

I am directed to invite a reference to the Government letter of even number dated 8-2-1966 on the above subject and to request you kindly to expedite your reply.

Yours faithfully,

ISSUED
Dated 13.5.66

(S.K.MOHAN)
Under Secretary to Government,
Public Works Department(Tech).

Krs.11/5/66/3.

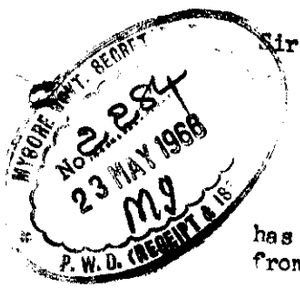
22

No.RB/FOR.SR.1125

Office of the Divl.Commissioner,
Belgaum Division, Belgaum.
19-5-1966

To

The Secretary to Government,
P.W.D.(Tech), Bangalore.



Sir,

Sub:-Rehabilitation of displaced persons under the Major Irrigation Projects.

Ref:-Government,P.W.D.Letter No.PWD 69 MMI 65 dated 13-5-66.

I am awaiting a reply from the Deputy Commissioner,Belgaum, who has been again reminded today to submit it early. On receipt of the same from him, I shall forward my reply to Government.

Yours faithfully,

(D.B.Hosangadi)
for DivisionalCommissioner, Belgaum.

gsg/19/5

Appendix F. G.—1]

23

SUBJECT as on page 16 Cf

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *195* .

Date of issue.....

Signed by.....

List of enclosures .....

Copied by.....

Examined by .....

Section

File No.

Serial No.

No.

To The Secretary to Govt
DHPC Dept
Vidhana Soudha, Bangalore

Sir,

Ref:- T.O. letter no. PWD 69 HHI 65 dated 16.4.66

I am directed to request you kindly to convene the next meeting of the State working Group as early as possible, place the above mentioned subject before them and forward their recommendations for taking further action.

Yours faithfully,

U.S.O.

47

24

PWD 69 MMI 65

4th July,

Public Works & Electricity Department

The Secretary to Government,
D.H.P.C. Department.
Vidhana Soudha, Bangalore.

Sir,

Sub:- Rehabilitation of displaced persons under Major Irrigation Projects.

Ref:- This Office letter No.PWD 69 MMI 65 dated 16-4-1966.

I am directed to request you kindly to convene the next Meeting of the State Working Group as early as possible, place the above mentioned subject before them and forward their recommendations for taking further action.

Yours faithfully,

(S.K. Mohan)
Under Secretary to Government,
P.W.D.(Technical).

cn/

D. O. No. PWD 69 HMP 65 MYSORE GOVERNMENT SECRETARIAT,

Dated, Bangalore, ...

Sondry as on Page 21 Cf

DEAR SIR,

I am desired to invite your attention to this Office Letter No. PWD 69 HMP 65, dated 8.2.66, and the subsequent reminder of even no. dated 13.5.66 reminders, on the subject .....

.....

.....

.....

and to request that reply thereto may kindly be expedited, as the matter is long pending.

Yours sincerely,

To Sri C. Narasimhamurthy, I.A.S.,
1) Divisional Commissioner,
Mysore Dn,
Mysore

Sri. T.V. Reddy I.A.S.,
2) Divisional Commissioner,
Belgaum Dn,
Belgaum

WD 010659—GPB—20 pads of 100 shts. each—23-5-63

26

C.F. No. 45]

GOVERNMENT OF MYSORE

Telegram / phone

No. No. RB/TOR.SR-1125.
Encls.

OFFICE OF
THE DIVISIONAL COMMISSIONER,
BELGAUM DIVISION, BELGAUM.
Date 25/7/1968.

To

The Secretary to Government,
Public Works Department (Irrigation),
BANGALORE.

Sir,

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects.

Reference:- Your letter No. PWD-69- WMI 65 dated 8-2-1966.

RB 23 24/7/68

The Government have intimated in their letter cited above that according to the provisions of the land Acquisition Act, land can be acquired for the purpose of rehabilitation of persons displaced as a result of the construction of Major Irrigation Projects. But, such a recourse is likely to create problems if the cultivators of the land to be acquired are rendered landless by such acquisition. Hence, in order to avoid such a contingency, the Government have enquired as to what should be the minimum extent of land, in an ayacut area of ~~xx~~ a project, a cultivator should be allowed to possess and the rest ~~xxxxxxx~~ acquired. A self explanatory note on this aspect is enclosed as desired. My remarks in the matter are as under:-

The remarks of the Deputy Commissioners in the Division have been obtained. The copies of the same are enclosed, herewith for reference. The Deputy Commissioner, Karwar has not made any useful propohals. The Deputy Commissioner, Bijapur has proposed to refer the issue to a high level committee. The Deputy Commissioner, Dharwar has suggested that uniform principles will not apply to all the projects and that the case of each project may be considered separetly. He has not madd any specific suggestions. The Deputy Commissioner, Belgaum has stated that an average family consisting 5-6 members would not normally be able to cultivate personally more than 8 acres of Irrigable area and 25 acres of dry land. These limits may help to give adequate yield to the cultivators for their better maintenance. Hence, he has suggested that the rest of the area in exedss of these limits may be acquired for the rehabilitation of displaced persons.

In my view, the limit proposed by the Deputy Commissioner, Belgaum is reasonable. The cultivators may be allowed to retain the land, to that extent, to get adequate income for a decent living. Hence, the following scale may be adopted for the purpose of acquiring lands from the cultivators in the ayacut area, and the excess over it may be acquired for rehabilitation purpose:-

	Limit to be allowed with the cultivators.
i) When the No.of members in the family does not exceed 5, provided all of them depend upon agriculture.	Upto:- 8 acres of irrigated land. or 16 acres of other kinds of wet land or 25 acres of dry land.

4 27/7

P.T.O.

27

ii) for every additional member.	1½ acres of Irrigated land. or 5 acres of other kinds of wet land or 4½ acres of dry land, in addition to the area specified at (i) above.

The Government may be moved to take a decision accordingly in the matters.

Yours faithfully,

O.C.Signed by
Divil. Commr.

(D.B.Hasangadi.)
For Divisional Commissioner, Belgaum.

smj/-

Note on the subject regarding rehabilitation of persons under the major Irrigation Projects.

****

It is admissible, according to the previsions, of the land acquisition Act, to acquire land for the purpose of rehabilitation of persons displaced as a result of the construction of Major Irrigation Projects. The state working Group in the meeting held on 20-6-65 has felt that the displaced persons may be rehabilitated if necessary within the ayacut of the project itself by acquiring lands for the purpose. But, as such a recourse should not create problems by dispossessing the cultivators of the land to be acquired rendering them landless, the Government have enquired as to what should be the minimum extent of land, in an ayacut of the project a cultivator should be allowed to possess and the rest acquired.

There are two major Irrigation projects in this Division, viz Hidkal and Malaprabha. For the Hidkal Project, we require about 14,750 acres of land for rehabilitation purpose, in addition to 5000 acres of forest land already released by the Govt. The requirement under the Malaprabha project has not been worked out. But it would be much more. As the forest area of the state is far less than the prescribed limit, the forest department is reluctant to release the forest lands for rehabilitation purpose, and Revenue waste lands are not available to the required extent. Hence, as an alternative, the displaced persons may have to be rehabilitated in the ayacut of the project by acquiring lands from the cultivators who hold more lands than the ~~an~~ extent necessary for their maintenance.

An average family consisting 5-6 members can cultivate 8 acres of irrigated land and 25 acres of dry land in normal circumstances, This limit would also give adequate income to them to have a decent living. The rest of their holding can, therefore, be acquired for rehabilitation purpose. Considering this limit as reasonable, the following scale may be ~~mkgmx~~ adopted while acquiring lands from the cultivators, in the ayacut of the project. The excess over it may be acquired from them, for rehabilitating the displaced persons.

	Limit of land to be allowed to the cultivators.
i) When the No.of members in the family does not exceed 5, provided all the members depend upon agriculture.	Up to:- 8 acres of irrigated land or 16 acres of other kinds of wet land. or 25 acres of dry land.
ii) for every additional member.	1½ acres of irrigated land or 3 acres of other kinds of wet land or 4½ acres of dry land.

It is likely that the Spl. Land Acquisition Officer, entrusted with the land acquisition work will face some practical difficulties. Moreover, before initiating land acquisition proceedings, he has to decide whether the land is suitable for rehabilitation purpose or not. With a view to over come these problems it is necessary that there should be a rehabilitation sub. committee for each project, representing the displaced persons and the Dist. Agril. Officer, of the District concerned for advising the Spl. Land Acquisition Officer . The Government may consider to appoint such Sub- Committees.

O.C.Signed by
Divl.Commr.

For Divisional Commissioner,
Belgaum.

29

Copy of letter No. GB/LAQ.SR-300 dated 1-3-1966 from the Deputy Commissioner, N.Kanara. Addressed to the ~~office~~ Divl. Comr. Belgaum Dn.

....

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects.

Reference: Your No. RB.FOR.SR-1123 dt. 17-2-1966.

There is one "Dharma Reservir Project" and the information in respect of this is as follows:

In order to rehabilitate the displaced persons in the affec ed villages, Government, under their Order No. PWD 11 MDP 59 dated 25-5-1960, had sanctioned two Colonisation Schemes one at Malgi near the Dam in Mundgod Taluka (N.K.District) and the other at Kamanalli in Hangal Taluka of the Dharwar District. The rehabilitation of the expropriated persons was undertaken on the lines indicated in G.O.No. PWD 67 SVP 59 dated 6-10-1959.

Under the two Schemes sanctioned by Government, 52 families at Malgi in Mudgod Taluka of this district, and 148 families at Kamanalli village have been rehabilitated. Hence, there was no necessity of any area to be acquired for rehabilitating the dispoaced persons of the Dharma Project. However, since the area of 152-1-0 in the Malgi Colony was subsequently found to be insufficient, further proposals were submitted to Government for releasing some forest area, and action is in progress. The area as concerned to the Kamanalli Colony is, however, found to be sufficient to meet the requirements.

In view of this there seems no necessity still to acquire more lands in any ayacut area of the Project so far as this project is concerned.

/Copy/

.....

30

Copy of letter No. RB.IRRSR-80 dt. 24-3-1966 from the Deputy Commissioner, Bijapur addressed to the ~~Co offi ce~~. Divl. Comr. Belgaum Dn.

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects.

Reference:- Your letter No. R B.F ORSR.1123 dt. 17-2-1966.

With reference to your letter quoted above, I have to state that the extent of lands to be acquired in an ayacut area for the rehabilitation of a displaced persons will have to be decided in each case by taking into consideration the availability of the land and also the needs of the displaced person. So no uniform standard can be proposed in such cases. However experience gained in respect of the major irrigation projects like the Tungabhadra may be much avail. There are no such completed projects in this District.

I personally also feel that the question of what minimum area could be left with the cultivator in an ayacut area and what could be considered as surplus and suitable for acquisition is to be decided at a high level as a matter of state policy. It is not a question which could be decided at the administration level unless bro d indications of policy at least are made available.

/copy/

24/3/66

Copy of letter No. LNDSR-3347 dated 7-5-1966. from the Deputy Commissioner, Dharwar addressed to the ~~office~~ Divl. Comr., Belgaum Dn,

.....

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects.

....

With reference to your letter No. RB/MORSR-1123 dated 17-2-66 and D.O.letters dated 7-4-66 and 29-4-66 I have to state that there are no problems in our District where persons displaced as a result of Major Irrigation Projects are required to be rehabilitated in the ayacut area itself. Ordinarily, therefore, I have no remarks to offer.

2. However, I agree with the principle enunciated in letter under reference, viz. that the ayacutdars should not be deprived of their lands and rendered landless in order to provide for the displaced holders. This would merely be creating another set of displaced holders. As suggested in the Government letter the only equitable and workable method of rehabilitating the displaced holders would be to fix a limit on the holdings under the ayacut and acquire lands held in surplus of this land for being given to the displaced holders. Prior to the construction of the Major - Irrgation Project, the lands under the command of the Project would normally have been dry lands. The displaced holders would have lost their lands due to the project being constructed while the same project would have benefitted otehrs by converting their dry lands into wet lands. It is but equitable that these beneficiaries should in some measure play a part in the rehabilitation of the displaced holders. For this purpose it would be necessary to acquire land, but only from those who have very large holdings. The ceiling on holdings should be fixed for each project after careful - consideration of the yield, the type of crops etc. No uniform principle could be fixed for all such projects since those projects where dry cum - wet cultivation is practiced would have to be considered on a separate footing from those where only wet cultivation is practiced or allowed. The ceiling should also depend upon the number of displaced holders and the extent to which they have been displaced, under each project, and availability of land with the surplus holders. It is, therefore, suggested that Government may - consider fixing the ceiling limit on holdings for each project individually, beyond which the lands are to be acquired for the displaced holders.

/copy/

.....

No:RB/RHNSR-15. Office of the Deputy Commissioner,
Belgaum, Dated: 28-6-1966.

To

The Divisional Commissioner
Belgaum.

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects.

Sir,

Reference your No.RB/FORSR-1123 dated 17-2-1966.

2. The copy of letter No.nil-nil dated 13-6-1966 and the self explanatory note regarding providing lands to the displaced persons received from the Special Land Acquisition Officer, Hidkal and the letter No.LAQ-RHN-98-59 dated 7-6-1966 of the Special Land Acquisition Officer,M.P.,Saundatti are enclosed herewith, for ready reference.

3. The Special Land Acquisition Officer,Hidkal reports that, the few persons residing withinxx the command of G.L.B.C. and G.R.B.C. and who are holding land measuring more than 50 acres, are not willing to sell their excess lands voluntarily. An average family consisting 5-6 members would not normally be able to cultivate personally more than 8 acres of the irrigated area and 25 acres of dry land. These limits appear to be reasonable and may give adequate yield to the xx cultivators for their better maintenance. The rest of the area in excess of these two limits may be acquired for the

P.T.O.....

major Irrigation Projects.

.....

The total area that will come under submergence by the Hidkal Dam Project is 14237 acres and total No. of families that will be affected is 4300. Out of this about 3800 families are agricultural families. Total area required for rehabilitation of the affected population is estimated at 17750 acres at the rate of 5 acres per family. Government has so far released 4042 acres of forest lands in Khanapur and Gokak Talukas for the purpose. Out of this, 1970 acres released in Gokak Taluka having been found unfit for rehabilitation from the agricultural point of view has been surrendered back to the Forest Dept. The area actually available now is thus about 3000 acres only. 14750 acres of land is still required for rehabilitating the whole population distributed in 21 villages.

The forest Department appears to be reluctant to release any more forest area for the purpose on the ground that the forest area is far less than what it should be. The only alternative to rehabilitate the effected population would it appears be to acquire xx excess lands from land holders in the command area of the Project. The command area lies in Belgaum and Bijapur Districts and it is spread over in 10 Talukas comprising 446 villages in all, where either the GLBC or GRBC will be flowing. Enquiries were made with the Tehsildars of these 10 Talukas whether persons holding more than 50 acres of land in the command area are willing to sell voluntarily their excess area to the affected population. Replies received show xx that either none of the persons holding more than 50 acres are willing to sell their excess lands voluntarily or there are no persons who hold more than 50 acres of land in the command area in their Talukas. The limit of 50 acres appears to be rather very large and would not therefore, be of much use in securing lands for rehabilitation. It appears that an average family of 5-6 members would not be in a position to cultivate at the most more than 8 acres of irrigated lands

and 25 acres of dry land in normal circumstances. These limits would also give adequate income to the cultivator to have a decent living and would, therefore, appear to be reasonable limits in excess of which all other lands may be acquired. Acquisition of such lands may provide sufficient(if not complete) relief in solving the rehabilitation problem. If in spite of this any more land is still required for the purpose the question of releasing some more forest land can then be considered. The Forest department may in that case agree to the proposal unlike now as the forest area required for the purpose will in that case be much less than what it is now.

Acquisition of lands in the command area for the rehabilitation of the effected population will have to be under the L.A.Act only. As the acquisition in each village will be for rehabilitating a definate number of persons the number depending on the area available in each village it is a question for consideration whether acquisition can be done under the L.A.Act as it is now or whether the Act will have to be amended suitably to bring 'Public Purpose' to cover such acquisition. In the Govt.letter PWD 69 MMI 6- dated 8-2-1966 it is however stated that acquisition of lands for the purpose is permissible under the Act. The question of obtaining legal opinion in the matter may however be considered.

Sd/-
Special Land Acquisition Officer,
M.D.P., Ghatprabha.

Copy of the letter No.LAQ-MHN-66-69, dated 7-6-1966, from the Special Land Acquisition Officer,Malaprabha Project,Saundatti.

***

Subject:- Rehabilitation of Persons affected by Construction Irrigation Projects.

Reference:- Your letter No.RB/MHN-6 R-15 dated 30-4-1966.

The details of villages, population and the area coming under the command of this project is enclosed. The Executive Engineer, MGC Division Nargund is of the view that unless distributaries to canals are fixed it is not possible to report the exact area coming under irrigation in each Survey Nos. In view of this fact it may not now be possible to report the surplus area available for rehabilitation of the persons affected. This question can only be finalised after ascertaining the exact area coming under irrigation by the canal. However the excess area that would be available exceeding the ceiling limit fixed under section 63 of the Mysore Land Reforms Act may be taken up for acquisition for providing the displaced persons of this project.

Statement No.16.

a) Details of Villages coming under the Command of Malaprabha Right Bank Canal.

Name of Taluka.	District.	No. of villages.	Population benefited.	Area under command. (Acres)
			Nos.	
Navalgund	Dharwar	55	73715	178500
Nargund	-do-	30 plus 3 deserted	32084 Nos	105000
Ron	-do-	54	58200	124900
Hubli	-do-	10	18723	37000
Gadag	-do-	7	815	2000
Ramadurg	Belgaum	7 plus deserted	2000	15000
Saundatti	-do-	11	8080	17000
Badami	Bijapur	4	1086	3500
	Grand Total:	178 4 deserted	197726	500000

List of villages coming under the command of the Malaprabha Right Bank Canal Taluka Navalgund District Dharwar.

1.	Adnur	19.	Dundur	37	Moreb
2.	Aatti	20	Gobbergumpi	38.	Nagarhalli
3.	Alagavadi	21.	Gudisagar	39.	Naganur
4.	Arhatti	22.	Gungal	40.	Nagavadi
6.	Arekurhatti	23.	Halkusugal	41.	Nalmur
7.	Annigeri	24.	Hallikeri	42.	Navalli
8.	Bellerwad	25.	Hanshi	43.	Navalgund
9.	Bellur	26.	Hebbal	44.	Padasur
10.	Belavatgi	27.	Ibrahimpur	45.	Shelavadi
11.	Belavatgi	28.	Jaur	46.	Shirkol
12.	Belhar	29.	Kadahalli	47.	Shirur
13.	Bennur	30.	Kalmad.	48.	Shapvad
14.	Bhadrapur	31.	Karlawad	49.	Siravinahalli
15.	Boganur	32.	Khanapur	50.	Sotakannahal
16.	Byalal	33.	Kittur	51.	Tadahal
17.	Chilakwad.	34.	Kangawad	52.	Tali Moreb
18.	Datnal.	35.	Kumargoppa	53.	Tirlapur
		36.	Manalwadi	54	Tuppadkurhatti
				55.	Yamanur.

Taluka Nargund [illegible]

1.	Ajagundi(Deserted)	16.	Kalakeri	27.	Sankadal
2.	Arsingodi	17.	Kallapur	28.	Siddapur
3.	Benakankop	18.	Kankikop	29.	Shirol
4.	Belari	19.	Kappli	30.	Surkod
5.	Benahatti	20.	Karvinkop(Deserted)	31.	Hadagunki
6.	Bhairanhatti	21.	Khanapur	32.	Reddiamaganur
7.	Budihal	22.	Konnur		
8.	Chik-Nargund.	23.	Kurgovinkop		
9.	Gangapur	24.	Kurlageri		
10.	Guriketti	25.	Muganoor		
11.	Hadli	26.	Nargund.		
12.	Halgop(Deserted)	i)	Arban		
13.	Hirekop	ii)	Dandapur		
14.	Hunsikatti	iii)	Ansaba		
15.	Jagapur.	iv)	Pete		
		v)	Somapur		

Taluka Ron, District Dharwar.

1.	Amargol	2.	Arehunsi.	3.	Agasti.
6.	Belawanki	7.	Benahal	8.	Bhogapur
11.	Chik-Manur	12.	Gudagoli	13.	Gulaguli
16.	Y.G.Hadagali	17.	Hiregalgundi	18.	Hiremel

21. Molemannur
22. Mihedagali
23. Honnapur
24. Hosahalli
25. Hallur
26. Hunagundi
27. Itagi
28. Jigalur
29. Jakkali
30. Kalakapur
31. Karamadi
32. Karkikatti
33. Koujageri
34. Kothbal
35. Krishnapur
36. Kuhatti.
37. Murvinkop
38. Madalgeri
39. Mallapur
40. Malwad
41. Megur
42. Menasagi
43. Mudengudi
44. Mugali
45. Nainapur
46. Nidagundi
47. Ron
48. Savadi
49. Sandigavad
50. Sudi
51. Somankatti
52. Yarikaruhonhal
53 Yogal
54. Naregalbagari

Taluka Hubli District Dharwar.

1. Bhandivad
2. Byahatti
3. Hebsur
4. Ingalahalli
5. Kusugal
6. Kiresur
7. Nanasur
8. Nagarahalli
9. Shiraguppi
10. Umachagi.

Tal:Gadag , Dist:Dharwar.

1. Balaganur
2. Gavareved
3. Hombal
4. Kadadi
5. Lingadhal
6. Madaganur
7. Venkatapur.

Taluka Ramadurg District Belgaum.

1. Chikopa
2. Chikkumbi
3. Chulki
4. Dhaderkop.
6. Govankop(Inam)
8. Hanchinal
7. Heralkatti
8. Kagadal.
9. Kairakumbi
10. Mallapur
11. Ugargol.

Taluka Badami District Bijapur.

1. Belur
2. Jalihal
3. Dhank Shirur
4. Mannari.

Sd/- R.L.Subbaraya Shetty,
Executive Engineer, P.W.D.M.C.No.
Division, 2 Nargund.

REMARKS FURNISHED BY THE DIVISIONAL COMMISSIONER, GULBARGA DIVISION

In the former Hyderabad State, lands were classified on the basis of the yield capacity and the family holding was fixed in such a way that the gross income would be Rs.1,600/- per annum and the net income thereon Rs.800/- per annum. Fragmentation of a holding below one basic holding was prohibite The basic holding was determined at one third of the family holding.

According to the Mysore Land Reform Act 1961, a basic holding is defined as 2 acres of 1st class land or the extent equivalent thereto. Although the Mysore Act does not prohibit the fragmentation of holding below a basic holding, sub section (7) of Section 16 limits the rights of landholders to resume lands from Protected Tenants only after leaving one basic holding with the tenants. This indicates that the holdings of less than one basic holding would be uneconomic and incapable of efficient cultivation. Hence it would be desirable to limit the acquisition of lands for resettlement of displaced persons under Major Irrigation Projects, only after ensuring that the remainder left with the land holder is not less than a basic holding.

If this principle is applied to land acquisition cases, it would ensure that uneconomic holdings are discouraged and the land holder is not displaced and rendered landless. Hence I recommend that in all cases of land acquisitions under Major Irrigation Projects, it may be ensured as far as possible, that the remainder of lands left with the land holders should not be less than one basic holding.

REMARKS FURNISHED BY THE DIVISIONAL COMMISSIONER, BANGALORE DIVISION

A cultivator may be a land lord himself taking up self cultivation by hired labour or other means as per definition of the term personal cultivation or he may be a tenant under the land lord. According to the Land Reforms Act 1961 and the Tenancy Act in force, the position of a tenant has been safeguarded. The maximum extent of irrigated land which a person can cultivate by himself may be taken as 6 to 8 acres which is equal to a family holding as defined in Section 2 (13) of the Mysore Land Reforms Act 1961. According to Section 2 (7) the ceiling area has been fixed as an area equal to eighteen standard acres. In Schedule 1 Page 96 and 97 of the Mysore Land Reforms Act 1961 and the Mysore Land Reforms Rules 1965, classification of lands and the formula to be adopted for determining the equivalent extent of land of different categories as equivalent to a standard acre (section 2 (32) have been furnished and Section 63 deals with the ceiling of land holdings) According to this section no person can hold lands in excess of the ceiling area of 18 standard acres whose family consists of 5 members and that where the number of members of the family of such persons or of the joint family of which such a person is a member, exceeds five, he or the joint family as the case may be may hold six additional standards acres for each member in excess of five so however as not to exceed twice the ceiling area in the aggregate.

Therefore before taking up acquisition proceedings of any area for rehabilitation purposes a detailed enquiry has to be conducted regarding the person cultivating the land, No. of members in his family, whether such cultivator is a land lord or a tenant under the land lord, and whether such land lord or tenant is holding lands and cultivating them elsewhere etc. In case all the persons cultivating lands in the ayacut area come under the purview of Section 63 of the Mysore Land Reforms Act 1961 acquisition of lands cannot be initiated at all to fulfil the intention of Government. Some other Government land which is reserved for assignment to expropriated and displaced persons has to be selected for rehabilitation purposes.

REMARKS FURNISHED BY THE DIVISIONAL COMMISSIONER, BELGAUM DIVISION

Such a course is likely to create problems if the cultivators of the land to be acquired are rendered landless by such acquisition. Hence in order to avoid such a contingency the Government have enquired as to what should be the minimum extent of land in an ayacut area of a project a cultivator should be allowed to possess and the rest acquired.

The remarks of the Deputy Commissioners in the Division have been obtained. Copies of the same are enclosed herewith for reference. The D.C karwar has not made any useful proposals. The D.C. Bijapur has proposed to refer the issue to a high level committee. The D.C. Dharwar has suggested that uniform principles will not apply to all the projects and that the case of each project may be considered separately. He has not made any specific suggestions. The D.C. Belgaum has stated that an average family consisting of 5-6 members would not normally be able to cultivate personally more than 8 acres of irrigable area and 25 acres of dry land. These limits may help to give adequate yield to the cultivators for their better maintenance. Hence he has suggested that the rest of the area in excess of these limits may be acquired for the rehabilitation of displaced persons.

In my view the limit proposed by the D.C. Belgaum is reasonable. The cultivators may be allowed to retain the land to that extent to get adequate income for a decent living. Hence the following scale may be adopted for the purpose of acquiring lands from the cultivators in the ayacut area and the excess over it may be acquired for rehabilitation purpose :

	Limit to be allowed with the cultivators
i) when the No. of members in the family does not exceed 5, provided all of them depend upon agriculture.	upto 8 acres of irrigated land or 16 acres of other kinds of wet land or 25 acres of dry land
ii) For every additional member	1½ acres of irrigated land or 3 acres of other kinds of wet land or 4½ acres of dry land in addition to the area specified in (i) above

REMARKS FURNISHED BY THE DIVISIONAL COMMISSIONER, GULBARGA DIVISION

In the former Hyderabad State, lands were classified on the basis of the yield capacity and the family holding was fixed in such a way that the gross income would be Rs.1,600/- per annum and the net income thereon Rs.800/- per annum. Fragmentation of a holding below one basic holding was prohibited. The basic holding was determined at one third of the family holding.

According to the Mysore Land Reform Act 1961, a basic holding is defined as 2 acres of 1st class land or the extent equivalent thereto. Although the Mysore Act does not prohibit the fragmentation of holding below a basic holding, sub section (7) of Section 16 limits the rights of landholders to resume lands from Protected Tenants only after leaving one basic holding with the tenants. This indicates that the holdings of less than one basic holding would be uneconomic and incapable of efficient cultivation. Hence it would be desirable to limit the acquisition of lands for resettlement of displaced persons under Major Irrigation Projects, only after ensuring that the remainder left with the land holder is not less than a basic holding.

If this principle is applied to land acquisition cases, it would ensure that uneconomic holdings are discouraged and the land holder is not displaced and rendered landless. Hence I recommend that in all cases of land acquisitions under Major Irrigation Projects, it may be ensured as far as possible, that the remainder of lands left with the land holders should not be less than one basic holding.

Appendix F. C.– 1] U.O. Note

SUBJECT ..... 98 on Page 24 C.F. .....

.....

.....

Diary No. of letter replied to..... .....

Mysore Government Secretariat.

( )

the *196* .

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. The Secretary to Govt

To D.M.P.C. Depot

Bellary, Andhra,

Bangalore

Ref: T.O. letter No. PWD 69 MMI 65

dated 4-7-66

I am directed to invite a

reference to the letter ~~cited~~

PWD 69 MMI 65 dated 4-7-66

~~above on the subject noted~~

to forward and to request that

Kindly to ~~have~~ this ~~issue~~

arrange ~~for~~ if

possible the

Meeting of the State working

Group urgently for consideration

of the above mentioned subject,

and a copy of their recommendations

~~above~~ sent to taking further

action.

C/Offg

by

U.S.(T)

Offg

WD 012116—GPB—4,00,000—7-3-63

41

D. O. No. PWD 69 MH165 MYSORE GOVERNMENT SECRETARIAT,

Dated, Bangalore, ...

Sale from Page 21(7

DEAR SIR,

I am desired to invite your attention to this Office Letter No. PWD 69 MH165, dated ....., and the subsequent Minutes of Executive Engineer Gulbarga reminders, and 13.7.66 on the subject

and to request that reply thereto may kindly be expedited, as the matter is long pending.

Yours sincerely,

To

S. Nagaraja Murthy, I.A.S.,
Principal Secretary,
Public Works,
Mysore.

WD 010659—GPB—120 pads of 100 shts. each—23-5-63

A2

S.K. Mohan, B.E.,
Under Secretary to Government,
P.W.D. (Technical).

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, 27th Sept.1966.

D.O.NO.PWD 69 MNI 66

Dear Sir,

Sub:- Rehabilitation of Displaced persons under the Major Irrigation Projects.

I am desired to invite your attention to this Office Letter No. PWD 69 MNI 66 dated 8-2-1966 and the subsequent reminders of even no. dated 13-5-1966 and 12-7-1966 on the subject and to request that reply thereto may kindly be expedited, as the matter is urgent and long pending.

Yours sincerely,

Shri C. Narasimhamurthy, I.A.S.,
Divisional Commissioner,
Mysore Division,
Mysore.

cn/

Issued
Dated 27/9/66

43

Mysore Government Secretariat,
Public Works Department,
Vidhana Soudha,
Bangalore, dated, 26-9-1966.

U.O.Note.no. PWD 69 MMI 65

Sub:-Rehabilitation of displaced persons under the Major Irrigation Projects.

Ref:-This Office letter No.PWD 69 MMI 65 dated 4-7-1966.

I am directed to invite a reference to the letter No.PWD 69 MMI 65 dated 4-7-1966 and to request you kindly to convenue if possible the Meeting of the State Working Group urgently for consideration of the above mentioned subject, and a copy of their recommendations sent for taking further action.

(S.K.Mohan),
Under Secretary to Government,
Public WorksDepartment.

Issued 27-9-66

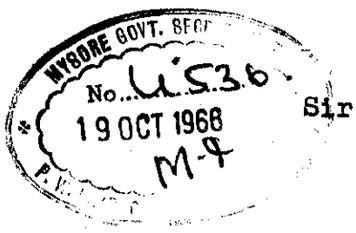
D.H.P.C.Department.

Government of Mysor

No LAQ PR 221 C 13532/65-66

Office of the Divisional Commissioner
Mysore Division
Mysore - 5 dated the 14th October '66

To: The Secretary to Government of Mysore
Public Works Department(Technical)
Post Bag No 346
Bangalore 1



Sir

Sub: Rehabilitation of Displaced Persons under Major Irrigation Projects -

Ref: DO letter NO PWD 69 MMI 65 dated 27th Sept 1966 of the Under Secretary to Government Public Works Department(Tech)Bangalore addressed to the DivisionalCommissioner,Mysore,

...

With reference to the above, I write to state that the remarks of the Deputy Commissioners in the matter are still awaited. They have been reminded this day also to expedite their reports. On receipt of the reports from them, final reply of this Office will be sent.

Yours faithfully,
17.10.66
for DIVISIONAL COMMISSIONER
Mysore Division
14/X/66

45

Appendix F. C.– 1]

SUBJECT as on Page 1 BCF

Diary No. of letter replied to..... .....

Section

File No.

Serial No.

Mysore Government Secretariat.

( )

the *196* .

No. The Secretary to Govt,

To DHPC Deptt,
Vidhana Soudha,
Bangalore

Date of Issue.....

Signed by.....

Sir,

Ref :- T.O. letter no. PHD 69 HMI 65 dt 16.4.66 and U.O note no. PHD 69 HMI 65 dt 29.9.66

In continuation of this office letter cited above. I am directed to forward herewith 30 copies of order on the Subject for placing this before taking further action.

List of enclosures.....

Copied by.....

Examined by.....

WD 012116—GPB—4,00,000—7-3-63

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GOVERNMENT OF MYSORE

No. PWD.69 MMI.65

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 4th Novr. 1966.

The *Secretary to the Government of Mysore,*
P.W.&.E.Department, Bangalore.

To

The Secretary to the Govt. of Mysore,
D.M.P.C.Department,
Vidhana Soudha,
Bangalore.

Sir,

Sub:- Rehabilitation of displaced persons under Major Irrigation Projects.

REF:-This office letter No.PWD 69 MMI 65 dated 16.4.66 and U.O.Note No.PWD 69 MMI 65 dt. 27.4.66.

In continuation of this office letter cited above, I am directed to forward herein 30 copies of notes on the subject for taking further action.

Yours faithfully,

(S.K.MOHAN)
UNDER SECRETARY TO GOVT.
P.W.D.(TECH.)

No.PWD 69 MMI65 NOTE

Sub:-Rehabilitation of displaced persons under the Major Irrigation Projects.

At the 20th Meeting of the State Working Group held on 28-6-1965 the question of rehabilitation of displaced persons under the Major Irrigation Projects in Belgaum Division was considered in detail. It was decided in that meeting that it would be better if displaced persons under Major Irrigation Projects were rehabilitated within the ayacut itself if necessary by acquiring lands for this purpose. The Chief Engineer, Irrigation Projects, who was consulted in the matter has stated that it would be useful if the displaced persons under major and medium irrigation projects are rehabilitated in the ayacut itself with a view to ensuring that the people who have suffered on account of the construction of projects are entitled to the benefits which accrue from the construction of such projects.

The Revenue Department in consultation with the Law Department have intimated that acquisition of lands to resettle persons dispossessed of their lands in connection with the execution of projects is a public purpose and therefore the acquisition of lands can be not only for dwelling purposes but also for purposes of resettling the displaced persons by assigning them lands for carrying on agriculture.

The points for consideration are:-

1) Whether the displaced persons should be rehabilitated within the ayacut area of the concerned major and medium irrigation projects themselves by acquiring lands for the purpose;

ii) If so the extent of land that has to be acquired from the cultivators. That is whether the lands have to be acquired irrespective of the extent of land held by each cultivator or whether a limit has to be fixed for the acquisition of lands in the ayacut area for the purpose of rehabilitation of the displaced persons. The maximum extent of land a cultivator should be allowed to possess and the rest acquired.

iii) The question of providing funds towards the cost of acquisition of lands. Whether the acquired lands could be given to the rehabilitated persons on ek-sali basis till the entire process of acquisition of land and payment of compensation is completed and the proceeds credited to Government so that the cost of acquisition can thereby be reduced.

As this is a policy matter, it is placed before the State Working Group for consideration.

(S.K.Mohan),
Under Secretary to Government,
Public Works Department.

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Extract from ~~xxxxx~~ Minutes of the 20nd Meeting of the State Working Group on Irrigation Development held on 28.11.66

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x x x

Rehabilitation of displaced persons under Major Irrigation Projects.

This was discussed and decided that the displaced persons generally should be rehabilitated in the atchkat of the concerned project areas by acquiring 50% of the excess (cultivated land) above the basic holding. This will enable the rehabilitated person to settle himself immediately. In the absence of such land, then the Govt. should release cultivable land in the nearest gomal. The above two courses will avoid establishing a new village. Hitherto action was being taken to release a forest land by deforestation to rehabilitated persons and this course would not only take a long time to put the displaced persons on economic footing but also the forest wealth would also be reduced.

SECRETARY REV.DEPT.

It was decided to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to 1/2 of the excess of the family holding. Further it was decided that acquisition should take place simultaneously with the commencement of the work in the project area, so that the displaced persons may be immediately rehabilitated without giving scope for agitation and the compensation to be paid for the land of the displaced person can be adjusted towards the payment of the Acquisition of Land in Atchkat area.

x x

Subject:- Rehabilitation of displaced persons under the Major Irrigation Projects

At the 28th meeting of the State working Group held on 22.6.65 the question of rehabilitation of displaced persons under the major irrigation projects in ~~Rajasthan~~ Dr was considered in detail. It was decided in that meeting that it would be better if displaced persons under major irrigation projects were rehabilitated within the adjacent project itself if necessary by acquiring lands for this purpose. The C.E.(DD) who was consulted in the matter stated that it would be useful if the displaced persons implemented under major and medium irrigation projects are rehabilitated in the adjacent project itself ~~with a view to ensuring~~ so that the people who have suffered on account of the construction of projects ~~are entitled to~~ the benefits which accrue from the construction

of such projects.

The Revenue Department in consultation with the Law Deptt has initiated the action in the acquisition of lands from private land holders for purposes of ~~the execution of projects is a public purpose and therefore the acquisition of lands can be used not only for~~ dwelling purposes but also for purposes of resettling the displaced persons by assigning them lands for carrying on agriculture.

It was felt that such a measure may also create problems in displacing the cultivators of their land, rendering them landless. Therefore it was considered that a certain limitation should be fixed for the acquisition of lands in the adjacent area for the purpose of rehabilitation of the displaced persons

The subject was again placed before the State Working Group. At its meeting held on 22.11.66 it has been decided as follows:-

"This was discussed and decided that the displaced persons

of the project area for purposes of allowing the same to the displaced persons in that project so that they may be rehabilitated within the adjacent area of the same project is for a public purpose, hence admissible.

generally should be rehabilitated in the context of the concerned project areas by acquiring 50% of the excess (cultivated land) above the basic holding. This will enable the displaced persons to settle himself in any of the existing villages in the clearance immediately after acquisition of such land. Apart from land released cultivable land in the nearest ~~forest~~ Forest. The above ~~two factors~~ will avoid establishing a new village. Hitherto to action was being taken to release forest lands by afforestation to rehabilitate persons and this would take a long time to put the displaced persons on economic footing but also the forest wealth would also be reduced.

It was decided to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to ½ of the areas of the family

holding. Further it was decided that acquisition should take place simultaneously with the commencement of the works in the project area so that the displaced persons may be immediately rehabilitated with out giving scope for agitation over the compensation to be paid for the land of the displaced persons can be acquired towards the payment of the acquisition of land in adjacent area."

The Project regarding rehabilitation of the displaced persons under the major irrigation projects as decided by the State working Expert Group Meeting held on may/June, 1994 is placed before the Council of Ministers for consideration in Council.

Secy to Govt
Irrn Dept

CABINET NOTE.

The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons at the new village sites for cultivation purposes. Experience has shown that the villagers affected by the Project generally desire to settle at one place and large blocks of land are necessary for such large scale rehabilitation. Since Government lands are not available at one place and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by releasing sufficiently large areas of Forest and reclaiming such forest areas by de-forestation. Such acquisition of Forest land for the purpose of rehabilitation will mean gradual reduction in the Forest area in the State. Moreover it may not be possible to provide Government lands for rehabilitation purposes in all the cases.

2. At the 20th Meeting of the State level Working Group for Development of Irrigation under Major Irrigation Projects held on 28-6-1965, the question of rehabilitation of displaced persons under Major Irrigation Projects was considered in detail. It was decided in that Meeting that it would be better if the displaced persons under the Major Irrigation Projects were rehabilitated within the Ayacut of the Project

(Contd....2)

itself, if necessary by acquiring private lands for this purpose. The Chief Engineer who was consulted in the matter opined that if the persons displaced under Major and Medium Irrigation Projects are rehabilitated in the Ayacut of that Project itself then the people who have suffered on account of the construction of the Project would also have obtained the benefits which accrue from the construction of such Projects.

3. The Revenue Department in consultation with the Law Department intimated that acquisition from private land holders in the Ayacut area of the Project for purposes of rehabilitation of displaced persons in the Project will be for a public purpose and hence admissible under law.

4. The subject was again placed before the State Working Group at its 22nd Meeting held on 28-11-1966 and it has recommended as follows:-

> "The displaced persons generally should be rehabilitated in the atchkat of the concerned Project areas by acquiring 50 per cent of the excess (cultivated land) above the basic holding. This will enable the rehabilitated persons to settle themselves immediately. In the absence of such land ~~then~~ the Government should release cultivable land in the nearest Gomal. The above two courses will avoid establishing a new village. Hitherto action was being taken to release Forest land by de-forestation to rehabilitate

(Contd...3)

55

persons and this course would not only take a long time to put the displaced persons on economic footing, but Forests wealth would also be reduced.

It was decided to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half of the excess land over the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the Project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation; and the compensation to be paid for the land to the displaced persons can be adjusted towards payment of the acquisition of land in atchkat area".

5. The above recommendation of the State Working Group is a deviation from the existing procedure of rehabilitating the affected persons under a Project. At present persons displaced due to the construction of Irrigation Project are generally rehabilitated by acquiring forest lands and de-foresting them and establishing new village sites at those places. As per the present recommendation of the State Working Group, the displaced persons under the Irrigation Project will have to be rehabilitated in the command area of the Project itself by acquiring half of the surplus cultivable lands above the basic holding from all the land owners in the command area. Since the present decision of the State Working Group involves a decision of policy, this subject of

(Contd....4)

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rehabilitating the displaced persons under the Major Irrigation Projects in the command of the same Project itself by acquiring half of the excess land holdings above the basic holding from all land owners in the command area, after fixing the basic or family holding on the basis of the Land Reforms Act is placed before the Council of Ministers for approval: for consideration. The issues for decision are as follows:

Secretary to Government,
P.W. & E. Department.

1.

2.

3.

1. The displaced persons under the Major and medium irrigation projects should generally be rehabilitated in the Command of the proposed project itself.

2. The land required for this purpose, in case Govt. land is not available, may be obtained from private land owners by acquiring half of the excess land over the family holding as defined in the Thyone Land Reforms Act 1961.

3. Such land acquisition should take place simultaneously with the commencement of the work in the project.

Sd/- M.G.

57

Rehabilitation of displaced persons under Major Irrigation Projects.

CABINET NOTE.

Lib C.40/67

The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons at the new village sites for cultivation purposes. Experience has shown that the villagers affected by the Project generally desire to settle at one place and large blocks of land are necessary for such large scale rehabilitation. Since Government lands are not available at one place and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by releasing sufficiently large areas of Forest and reclaiming such forest areas by de-forestation. Such acquisition of Forest land for the purpose of rehabilitation will mean gradual reduction in the Forest area in the State. Moreover it may not be possible to provide Government lands for rehabilitation purposes in all the cases.

2. At the 20th Meeting of the State Level Working Group for Development of Irrigation under Major Irrigation Projects held on 28-6-1965, the question of rehabilitation of displaced persons under Major Irrigation Projects was considered in detail. It was decided in that Meeting that it would be better if the displaced persons under the Major Irrigation Projects were rehabilitated within the Ayacut of the Project itself, if necessary by acquiring private lands for this purpose. The Chief Engineer who was

(Contd...2)

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consulted in the matter opined that if the persons displaced under Major and Medium Irrigation Projects are rehabilitated in the Ayacut of that Project itself then the people who have suffered on account of the construction of the Project would also have obtained the benefits which accrue from the construction of such Projects.

3. The Revenue Department have in consultation with the Law Department intimated that acquisition of agricultural land from private land holders in the Ayacut area of the Project for purposes of rehabilitation in agriculture of displaced persons displaced by the Project will be for a public purpose and hence admissible under law.

4. The subject was again placed before the State Working Group at its 22nd Meeting held on 28-11-1966 and it has recommended as follows:-

> "The displaced persons generally should be rehabilitated in the atchkat of the concerned Project areas by acquiring 80 per cent of the excess (cultivated land) above the ~~maximum holding.~~ ~~This~~ basic holding. This will enable the rehabilitated persons to settle themselves immediately. In the absence of such land the Government should release cultivable land in the nearest Gomal. The above two courses will avoid establishing a new village. Hitherto action was being taken to release Forest land by de-forestation to rehabilitate persons and this course would not only take a long time to put the displaced persons on economic footing, but Forest wealth would also be reduced.

(Contd....3)

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~~The~~ It was decided to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half of the excess land over the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the Project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation; and the compensation to be paid for the land of the displaced persons can be adjusted towards payment of the acquisition of land in atchkat area".

5. The above recommendation of the State Working Group is a deviation from the existing procedure of rehabilitating the affected persons under a Project.. At present persons displaced due to the construction of Irrigation Project are generally rehabilitated by releasing ~~acquiring~~ forest lands and de-foresting them and establishing new village sites at those places. As per the present recommendation of the State Working Group, the displaced persons under the Irrigation Project will have to be rehabilitated in the command area of the Project itself by acquiring half of the surplus cultivable lands above the basic holding from all the land owners in the command area. Since the present decision of the State Working Group involves a decision of policy, this subject is placed before the Council of Ministers for consideration.

The issues for decision are as follows:-

1. The displaced persons under the Major and Medium Irrigation Projects should generally be rehabilitated in the command of the proposed Project itself.

(Contd...4)

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2. The land required for this purpose, in case Govt. land is not available, may be obtained by acquiring from private land owners half of the excess land over the family holding as defined in the Mysore Land Reforms Act, 1961.

3. Such land acquisition should take place simultaneously with the commencement of the work in the Project.

Secretary to Government,
P.W. & E. Department.

Proceedings of the Govt of Mysore

Sub:- Rehabilitation of displaced persons under Major Irrigation Projects

Preamble:- The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons around the new village sites & cultivation purposes. Experience has shown that the villagers affected by the project generally desire to settle at one place and large blocks of land are necessary for such large scale rehabilitation. Since Govt lands are not available at one place and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by selecting

PA
Pl put up a typed draft urgently
PM 2/3

after 2/3

sufficiently large areas of forest and reclaiming such forest areas by deforestation. Such acquisition of forest land for the purpose of rehabilitation will mean gradual reduction in the forest area in the State. Moreover it may not be possible to provide government lands for rehabilitation purposes in all the cases. The subject was considered by the State Level Working Group for Development of Irrigation under Major Irrigation Projects more than once and their final decision of the State is as follows:

"The displaced persons generally should be rehabilitated in the catchment of the concerned project area by acquiring 50% of the excess (cultivated land) above the basic holding. This will enable the rehabilitated persons to settle themselves immediately. In the absence of such land the Govt should release cultivable land in the nearest Ground. The above two courses will avoid establishing a new village. Hitherto no action was being taken to release forest land by deforestation to rehabilitate persons and this course would not only

take a long time to put the displaced persons on economic footing, but their wealth would also be reduced."

// The matter was further examined and it was decided to fix the basis of family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half the excess land over the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation, and the compensation to be paid for the land of the displaced persons can be adjusted towards payment of the acquisition of land in the Ardhat area."

The Revenue Department in consultation with the Law Deptt intimated that acquisition of agricultural land from private land holders in the adjacent area of the project for purposes of rehabilitation in agriculture, of persons displaced by the project will be for a public purpose and hence admissible under law.

If persons become displaced due to the construction of irrigation projects are generally rehabilitated by releasing forest lands and de-foresting them and establishing new village sites at these places. As per the present recommendation of the State working Groups, the displaced persons under the Irrigation Project will have to be rehabilitated in the Command area of the project itself by acquiring half of the surplus cultivable lands above the ~~limits~~ holding from all the land owners in the Command area.

Order no. PWD 69 HH165

Court after considering ~~the decision~~ all the aspects of the case are pleased ~~of the State Working Group are pleased~~ to order as follows:-

The displaced persons under the Major and Medium Irrigation Projects should generally be rehabilitated in the Command area of the project itself

The land required for the purpose, in case Government land is not available ~~it~~ may be obtained by acquiring

from private land owners half of the excess land over the family holding as defined in the Kigezi Land Reforms Act, 1961.

Such land acquisition should take place simultaneously with the commencement of the work in the project. The cost of acquisition of private lands for purposes of rehabilitation is to be met out of the provision made for rehabilitation purposes, and the same has to be deducted out of the compensation amount due to the persons who have to be rehabilitated, as and when such acquired lands are made available to them. By order etc

V8(T)

The Cf(sp)
The Cf(E)
The Divisional Commissioner.
The S.E.S. of Circles
The ACA, Kigezi Bungahre
The RTO, Chairperson Project
——" —— Bhadara Project, Bwera

PROCEEDINGS OF THE GOVT. OF MYSORE

SUB:-Rehabilitation of displaced persons under Major Irrigation project.

PREAMBLE.

The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons around the new village sites for cultivation purposes. Experience has shown that the villagers affected by the project generally desire to settle at one place and large blocks of land are necessary for such large scale rehabilitation. Since Govt. lands are not available at one place, and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by releasing sufficiently large areas of Forest and reclaiming such forest areas by deforestation. Such acquisition of forest land for the purpose of rehabilitation will mean gradual reduction in the forest area in the State. Moreover it may not be possible to provide Govt. lands for rehabilitation purposes in all the cases. The subject was considered by the State level Working Group for Development of Irrigation under Major Irrigation Projects more than once and their final recommendation was as follows:-

> "The displaced persons generally should be rehabilitated in the atchkat of the concerned project areas by acquiring 50% of the excess (cultivated land) above the basic holding. This will enable the rehabilitated persons to settle themselves immediatel In the absence of such land the Govt. should release cultivable land in the nearest Gomal. The above two courses will avoid establishing a new village. Hitherto action was being taken to release Forest land by deforestation to rehabilitate persons

and this course would not only take a ~~xxxxxxxx~~ long time to put the displaced persons on economic footing, but forest wealth would also be reduced."

The matter was further examined and ~~decided~~ to fix the ~~basic or~~ family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half the excess land ~~over once~~ the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the Project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation, and the compensation to be paid for the land of the displaced persons can be adjusted towards payment of the acquisition of land in the Atchkat area.

The ~~Revenue Department in consultation with~~ the Law Department ~~intimated~~ that acquisition of agricultural land from private land holders in the ayacut area of the project for purposes of rehabilitation in agriculture, of persons displaced by the project will be for a public purpose and hence admissible under Law.

ORDER NO.PWD 69 MMI 65

BANGALORE DATED THE MARCH 1967

Govt. after considering all the aspects of the case are pleased to order as follows:-

The displaced persons under the Major and Medium Irrigation project should generally be rehabilitated in the command area of the project itself.

The land required for this purpose, in case Govt. land is not available may be obtained by acquiring from private land owners half of the excess land over the ~~xxxx~~ family holding as defined in the Mysore Land Reforms Act, 1961. Such land acquisition should take place simultaneously with the commencement of the work in the project. The cost of acquisition of private lands for purposes of rehabilitation

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is to be met out of the provision made for rehabilitation purposes, and the same has to be deducted out of the compensation amount due to the persons who have to be rehabilitated, as and when such acquired lands are made available to them.

BY ORDER ETC.,

U.S.(T)

C.C.
2/11/67

To

1. The Chief Engineer (IP) Bangalore.
2. The Chief Engineer (G)
3. All the Divisional Commissioners.
4. The Superintending Engineers of Circles.
5. The A.G. Mysore, Bangalore.
6. The R.A.O. Ghataprabha Project via Pachapur, Belgaum.
7. The R.A.O. Bhadra Project, Birur.
8. The Sec. Revenue Dept.
9. The Development Commissioner
10. Copy to the GAD. Cabinet Section

w.r. to Subject C.40/67 for information.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE
PUBLIC WORKS DEPARTMENT

Sub:-Rehabilitation of displaced persons under Major Irrigation project -

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Preamble:- The construction of Major Irrigation Projects involves submersion of large areas under the Reservoir. A large number of villages and lands come under submersion. All these villages have to be rehabilitated elsewhere and the displaced persons provided with adequate living facilities in the newly set up colonies. Lands also have to be given to the displaced persons around the new village sites for cultivation purposes. Since Government lands are not available at one place and are generally lying scattered here and there, the affected villagers are generally being rehabilitated by releasing sufficiently large areas of Forest and reclaiming such forest areas by deforestation. Such acquisition of forest land for the purpose of rehabilitation will mean gradual reduction in the forest area in the State. Moreover it may not be possible to provide Government lands for rehabilitation purposes in all the cases. The subject was considered by the State Level Working Group for Development of Irrigation under Major Irrigation Projects more than once and their final recommendation was as follows:-

> " The displaced persons generally should be rehabilitated in the atchkat of the concerned project areas by acquiring 50% of the excess (cultivated land) above the basic holding. This will enable the rehabilitated persons to settle themselves immediately In the absence of such land the Govt. should release cultivable land in the nearest Gomal. The above two courses will avoid establishing a new village. Hitherto action was being taken to release Forest land by deforestation to rehabilitate persons and this course would not only take a long time to put the displaced persons on economic footing, but forest wealth also be reduced".

The matter was further examined and it was considered reasonable to fix the basic or family holding on the basis of the Land Reforms Act. The acquisition would be restricted to half the excess land over the family holding. Further it would be necessary that acquisition should take place simultaneously with the commencement of the work in the Project area so that the displaced persons may be immediately rehabilitated without giving scope for agitation, and the compensation tobe paid for the land of the displaced persons can be adjusted towards payment of the acquisition of land in the Atchkat area.

The Law Department have advised that acquisition of agricultural land from private land holders in the ayacut area of the project for purposes of rehabilitation in agriculture, of persons displaced by the project will be for a public purpose and hence admissible under Law.

ORDER NO.PWD 69 MMI 65,
BANGALORE, DATED: 10 March 1967.

Government after considering all the aspects of the case are pleased to order as follows:-

The displaced persons under the Major and Medium

.....p.t.o.

To

Irrigation projects should generally be rehabilitated in the command area of the project itself.

The land required for this purpose, in case Govt. land is not available may be obtained by acquiring from private land owners half of the excess land over the family holding as defined in the Mysore Land Reforms Act, 1961. Such land acquisition should take place simultaneously with the commencement of the work in the project. The cost of acquisition of private lands for purposes of rehabilitation is to be met out of the provision made for rehabilitation purposes, and the same has to be deducted out of the compensation amount due to the persons who have to be rehabilitated, as and when such acquired lands are made available to them.

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE

(S. K. MOHAN)
UNDER SECRETARY TO GOVT.,
PUBLIC WORKS DEPTT.(TECHNICAL).

Issued
Dated 10.3.67

To

The Chief Engineer, Irrigation Projects, Bangalore.

The Chief Engineer(General), Bangalore.

All The Divisional Commissioners.

The Superintending Engineers of Circles.

The Accountant General, Mysore Bangalore.

The Resident Audit Officer, Ghataprabha Project via. Pachapur, Belgaum.

The Resident Audit Officer, Bhadra Project, Birur.

The Secretary, Revenue Department.

The Development Commissioner.

Copy to:- G.A.D.(Cabinet Section) with reference to subject C.40/67, for information.

D.O. no. PWD 69 MMI 65

Sub:- Rehabilitation of displaced persons under Major Irrigation Projects.

Attention is invited to the G.O. no. PWD 69 MMI 65 dated 10.3.69 issued on the Subject. Revenue Department is requested to intimate the action taken on the question of acquiring the land required for the purpose as per the provisions of the Kerala Land Reforms Act 1961, for the information of the Department.

U.S(T)

R.D)

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U.O.NO. WD 69 MMI 65

Mysore Government Secretariat
"Vidhana Soudha"
Bangalore, dated 22 April, 67.

U.O.Note

Subject: Rehabilitation of displaced persons under major Irrigation Projects

-:o:-

Attention is invited to the Government Order No.PWD 69 MMI 65, dated the 10th March, 1967 issued on the subject. Revenue Department is requested to intimate the action taken on the question of acquiring the land required for the purpose as per the provisions of the Mysore Land Reforms Act. 1961, for the information of this Department.

(S.K.MOHAN)
UNDER SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT(TECHNICAL)

Revenue Department.

Issued
Encls. 2249
Date.
Chand;

Sale: as on Page 12 CF.

U.O.no. PWD 69 MMI 65

Attention of the Revenue Dept is invited to U.O.no. PWD 69 MMI 65 dated 22.4.69 where in it was requested to intimate the action taken on the question of acquiring the land required for the purpose of rehabilitation of displaced persons under the Major Irrigation Projects in the State, as per the provisions of the Kerala Land Reforms Act 1961.

The action taken may please be intimated for the information of the Dept.

RD)

DS(T)
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